



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2019**

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD) No.23746 of 2019

and

WMP (MD) No.20333 of 2019

A.N.Gaffur Ahmed Sha

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai,

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, relating to the first respondent's impugned order through his proceedings in C.C.No.28119/V4/116/2019, dated 22.08.2019 insofar as it relates to cancelling the license of our Caribbean Recreation Club, S.S.Colony, Maduri City and quash the same as illegal and consequently direct the first respondent to issue license to the petitioner's club by considering his reply/representation dated 17.07.2019.

For Petitioner : Mr.M.Solaisamy

For Respondents: Mr.R.Anandharaj

Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order passed by the second respondent, thereby, cancelled the license issued to the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner filed a writ petition before this Court in W.P.(MD) No.5492 of 2019 and this Court by its order dated 04.03.2019 issued direction to the respondents in the normal circumstances. There should be no interference in the lawful functioning as under -



'' ii) In normal circumstances, there should be no interference in the lawful functioning of the clubs by the police. It is not permissible for the police to enter the club premises as a routine measure, so long as the clubs are functioning within the frame work of law;

iii) If the police authorities have specific information or reasonable doubt that the activities carried on by this club or its members are not in accordance with law or they indulge in lawful activities in violation of the provisions of the Public Gambling Act, 1857 / Tamil Nadu Gaming Act, 1930 or any other enactment, it would be open to them, after recording reasons in the General Diary maintained in the police station, to proceed to enter the club premises, conduct investigation, interrogate those who involve themselves in such activities and take appropriate action on merits and as per law.''

3.He further submitted that after registered the FIR in Crime No.20 of 2019, the petitioner moved this Court and this Court directed the respondent to follow the guidelines. Thereafter, the license issued in favour of the petitioner has been cancelled by the impugned order. He further submitted that the impugned order passed with the predetermined mind and thereby, cancelled the license. It is seen that the impugned order has been passed on 22.08.2019. Though this Court issued direction on 04.03.2019 and thereafter, the petitioner indulged in some kind of activities and as such the second respondent issued show cause notice to the petitioner on 27.06.2019 and the petitioner submitted his explanation on 17.07.2019. After considering the explanation, the second respondent passed impugned order.

4.On perusal of the records, it is also revealed that already three criminal cases have been registered as against the petitioner in Crime No.1280 of 2017 on the file of the Inspector of Police, S.S.Colony Police Station for the offence under Section 45 and 46 of TNCP Act and Crime No.109 of 2018 for the same offence. Thereafter, the petitioner also involved in Crime No.20 of 2019 for the very same offence. In fact, in Crime Nos.1280 of 2017 and 109 of 2018, the petitioner was already convicted by the trial Court. Now as far as the Crime No.20 of 2019 the charge would laid and it is pending for trial. Therefore, this Court finds no merits in this petition. Further, this Court finds no irregularity and infirmity in the order passed by the second respondent.



5. In the result, this writ petition is devoid of merits and liable to be dismissed. Accordingly, the Writ petition is dismissed. No costs. However, the petitioner is at liberty to apply for fresh license. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Commissioner of Police,
Madurai City,
Madurai,

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M. SOLAISAMY, Advocate (SR-97627[F] dated 12/11/2019)

W.P (MD) No.23746 of 2019

and

WMP (MD) No.23746 of 2019

11.11.2019

vsd

SDS (12.12.2019) 3P 5C