



WEB COPY

1 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019
and
W.M.P. (MD) .Nos.9643 and 12792 of 2019

W.P. (MD) .No.17485 of 2017:

Muniyandi,
President, Seven Star Recreation Club,
S/o. Muniyasamy,
Mangalam Village, Sayalkudi,
Kadaladi Circle, Ramanathapuram District. ... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Keelakarai, Ramanathapuram.

3.State represented by its,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

4.The Sub-Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from any manner interfering nor disturbing with the affairs of the "SEVEN STAR RECREATION CLUB" running by the petitioner registered as 85/2017, situated at Mathavan Nagar, Sayalkudi, Kadaladi Taluk, Ramanathapuram District.

For Petitioner : Mr.I.Saliyakhan

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

WP(MD). No.24084 of 2017 :

Malar Manamagil Mandram, (Reg.No.63/2017),
Edaiyapatti Thenikaniyur Village, Viralimalai Taluk,
Pudukkottai District
Rep. by its Secretary,
Perumal, S/o. Alagar ... Petitioner

Vs

1 The Superintendent of Police,
Pudukkottai District, Pudukkottai.
2 The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District. ... Respondents

Prayer in WP(MD).No.24084 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus forbearing the respondents herein and their subordinates officials from in any manner interfering with the day to day activities of the members of the petitioner's Malar Manamagil Mandram, to play the game of chess, Carrom and other indoor games in the premises of the petitioner's Malar Manamagil Mandram, (Reg.No.63/2017) at Edaiyapatti, Thenikiliyur Village, Viralimalai Taluk, Pudukkottai District without following due process of law.

For Petitioner : Mr. A.Thiagarajan

For Respondents : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor



3 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

WP (MD) . No.23291 of 2018 :

K.M.Mohamed Hussain

... Petitioner

- Vs. -

1. The Superintendent of Police
Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur, Tirunelveli District.

... Respondents

Prayer in WP(MD).No.23291 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, restraining the 2nd respondent from any way interfering with the functioning of Jolly Recreation Club (Jolly Manamagil Mandram) / Registered Society (Sl.No.155 of 2018) at No.103, Main Road, R.V.R.Shopping Mall, I Floor, Kadayanallur, Tirunelveli District.

For Petitioner : Mr. T.S. Mohamed Mohideen

For Respondents : Mr. K.K.RamaKrishnan,
Additional Public Prosecutor

WP (MD) . No.23657 of 2018 :

Surabhi Recreation And Cultural Club,
Rep.By its President, T.K.Periyasamy,
No.277 / B4, Thiruvalluvar Salai,
Gandhi Market West, Oddanchatram,
Dindigul District .

... Petitioner

- Vs. -

1. The Superintendent of Police,
Dindigul District.



WEB COPY

4 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

2. The Deputy Superintendent Of Police,
Oddanchatram Division,
Dindigul District.

3. The Inspector of Police
Oddanchatram Police Station,
Dindigul District.

... Respondents

Prayer in WP(MD).No.23657 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents in any way interfering with the functioning of the petitioner club in accordance with the memorandum of the petitioner club.

For Petitioner : Mr. D.Venkatesh

For Respondents : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor

WP (MD) . No.24450 of 2018 :

P.Jeyavel, President,
Irumboothipatty Malligai Mannamagizh Sangam,
No.1/100, Kuppachipatti, Sivayam Post,
Krishnayapuram Taluk, Karur District.

... Petitioner

- Vs. -

1. The Superintendent of Police
Karur District, Karur.

2. The Deputy Superintendent Of Police,
Kulithalai, Karur District.

3. The Inspector of Police (L&o),
Kulithalai Police Station,
Karur District.

... Respondents



Prayer in WP(MD).No.24450 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the respondents not to interfere in the lawful activities of the club of the petitioner by name Irumboothipatty Malligai Mannamagizh Sangam in pursuant to the representation dated 02.11.2018.

For Petitioner : Mr. V.Illanchezian

For Respondents : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor

WP (MD) . No.12942 of 2019 :

Madurai Veeran, President,
Sayalkudi Maghizchi Manamagil Mandram,
S.No.175/2A1B, Shanmugakumarapuram,
Sayalkudi Town Panchayat,
Sayalkudi, Ramnad District .

... Petitioner

- Vs. -

1. The Superintendent of Police
Ramnad District.

2. The Deputy Superintendent Of Police,
Keelakarai Sub Division, Ramnad District.

3. The Inspector of Police
Sayalkudi Police Station,
Sayalkudi, Ramnad District

... Respondents

Prayer in WP(MD).No.12942 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus forbear the respondents from interfering nor disturbing with the affairs of the petitioner's club Sayalkudi maghizhi manamagil Mandram registered society as SRG / RMD / 24/ 2019 situated at S.No.175/2A1B, Shanmugakumarapuram, Sayalkudi Town panchayat, Sayalkudi, Ramanathapuram District or its members to avail the facilities provided for playing rummy or carom board and other sports game without involving any element of gambling and not to disturb the lawful activities of the club.



WEB COPY

6 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

For Petitioner : Mr. Raja.Karthikeyan

For Respondents : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor

WP (MD) . No.15926 of 2019 :

R.Sundar Rajan

S/o.S.Ramaiah, 23, Ayya Kovil Street,

Lakshmi Nagar, V.M.Chattram,

Tirunelveli-11.

... Petitioner

- Vs. -

1. District Collector

Tirunelveli and District

2. The Commisisoner of Police,

Tirunelveli City, Tirunelveli.

3. The Commissioner

Tirunelveli Corporation, Tirunelveli.

4. The Inspector of Police,

Perumalpuram Police Station,

Tirunelveli..

.. Respondents

Prayer in WP(MD).No.15926 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents to take suitable actions over the representations of the petitioner for grant license to the petitioner sports club by the name Raja Recreation Club V.M.Chattram.

For Petitioner : Mr. R.KRISHNAN

For Respondents : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor



7 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

WP (MD) . No.15931 of 2019 :

Lower Camp Recreation Club
Rep. by its Secretary,
Satheeskumar, S/o. Thangaraj,
148, L.F.Rd, Gudalur Post,
Theni District.

... Petitioner

- Vs. -

1. The Superintendent of Police,
Theni and District.
2. The Deputy Superintendent Of Police,
Theni and District.
3. The Inspector of Police,
Gudalur North Police Station,
Gudalore, Theni District.

... Respondents

Prayer in WP(MD).No.15931 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Forbearing the 3rd respondent herein from interfering with the day today activities of the petitioner's Recreation Club situated at 148, L.F. Road, Gudalur Post, Theni District.

For Petitioner : Mr. S.SUNDARAPANDIAN

For Respondent : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor

WP (MD) . No.16091 of 2019 :

Success Recreation Club,
Rep.By its President,
Ravi, S/o.Subbiah Pandian,
No.8-1-B, Mangammal Salai,
2nd Ward, Tenkasi,



8 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

Tirunelveli District.

... Petitioner

- Vs. -

WEB COPY

1. The Superintendent of Police,
Tirunelveli District.

2. The Deputy Superintendent Police,
Tenkasi, Tirunelveli District .

3. The Inspector of Police
Tenkasi Police Station,
Tenkasi, Tirunelveli District.

... Respondents

Prayer in WP(MD).No.16091 of 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to directing the respondents to not to interfere with the day today affairs of the petitioner club namely Success Recreation club, at No.8-1-B, Mangammal Salai, 2nd Ward, Tenkasi, Tirunelveli District and permit the petitioner to avail the facilities provided for playing Rummy.

For Petitioner : Mr. S.GOKUL RAJ

For Respondents : Mr. K.K.Ramakrishnan,
Additional Public Prosecutor

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the third and fourth respondents not to interfere or disturb with the running of respective Clubs.

2. The grievance of the petitioners is that, the respective Clubs were registered under the Tamil Nadu Societies Registration Act, 1975. The petitioners are running the Clubs to promote various facilities to their members and they are not involving in any illegal activity. According to the petitioners, the respondent Police are interfering and disturbing the lawful activities of the respective Clubs, without following any provisions of law and preventing them from doing their activities peacefully. Hence, the present Writ Petitions have been filed.



3. The learned respective counsel appearing for the petitioners would contend that all the respective Clubs were registered under the Tamil Nadu Societies Registration Act, 1975, and the Clubs are being run for the benefit of its' members. The petitioners' Clubs were entitled to conduct lawful activities in their premises and also could conduct entertainment programmes. The respondent Police have no power to deny the petitioners' Clubs to conduct lawful activities.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents would submit that the petitioners' clubs were registered under the Tamil Nadu Societies Registration Act, 1975. They are conducting various programmes to entertain their members. Based on some reliable information, the respondent Police made a search in the respective Clubs. Apart from that, the petitioners have not obtained licence as per Section 3 of the Tamil Nadu Places of Public Resort Act, 1888. The learned Additional Public Prosecutor relied upon the order passed by this Court in **W.P. (MD).Nos.5560 of 2018, etc., batch cases-[Mass Recreation Club-Shengottah represented by its Secretary Vs. The Superintendent of Police, Tirunelveli District, Tirunelveli and others]**, dated 13.07.2018, wherein, this Court held that the petitioners should necessarily get license from the Authority concerned under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888. The above order has been confirmed by a Division Bench of this Court in **W.A. (MD).No.1017 of 2018, dated 31.07.2018**. The relevant portion of the judgment reads as follows:-

"3.We have recorded the reason for dismissal of the Writ Petition. We find absolutely no reason to differ. Informing that appellant has to obtaining necessary permission under Tamil Nadu Places of Public Resort Act, 1888 and on doing so, it would be open for the appellant Club to indulge in Rummy Card games and other recreation activities, other than those that what offend the Tamil Nadu Gambling Act, this Writ Appeal stands dismissed."

5. That apart, the learned Additional Public Prosecutor appearing for the respondents has relied upon Section 34 of the Chennai City Police Act, 1888. Section 34 of the above said Act reads as follows:-

"34.Places of public resort to be licensed-(1)No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a licence from the Commissioner."



Provided that nothing contained in this Sub-Section shall apply to any Church, Temple, Mosque, or other place of worship.

(2)The Commissioner may, at the time of grant of a licence under Sub-Section (1) or at any time during the currency of any such licence, require any person, other than a local authority, applying for such licence or the holder of such licence, as the case may be, to deposit with the Commissioner in cash or in Government promissory notes for such sum, as may be prescribed as security for the due observance of the conditions of licence.

(3)Where there is breach or non-observance of the conditions of the licence granted under Sub-Section (1) the Commissioner may forfeit the security so deposited to the Government.

(4)The forfeiture of the deposit shall not be a bar for proceeding against the holder of the licence under the provisions of Section 76."

6. I have considered the rival submissions and also perused the records carefully.

7. The main grievance of the petitioners is that, the petitioners are running the respective Clubs for the benefit of their members without violating any law, and they need not obtain any licence from any authority. But as per the Judgment relied upon by the learned Additional Public Prosecutor appearing for the respondents, all the Clubs necessarily get license under the Tamil Nadu Places of Public Resorts Act, 1888, and which was also confirmed by the Division Bench of this Court.

8. Considering the above circumstances, without going into the merits of the case, I am inclined to issue a direction to the petitioners to approach the authority concerned, seeking for licence under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, as per the order passed by this Court in **W.P. (MD) .Nos.5560 of 2018, etc., batch cases, dated 13.07.2018** and, the petitioners are also directed to submit necessary application under Section 34 of the Madras City Police Act, 1888, before the competent authority, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the competent authorities are directed to pass orders on the application, within a period of six weeks thereafter.



11 W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

9. These Writ Petitions stand disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

TO

- 1 The Superintendent of Police,
Pudukkottai District, Pudukkottai.
- 2 The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
- 3 The Superintendent of Police
Tirunelveli District, Tirunelveli.
- 4 The Inspector of Police,
Kadayanallur Police Station,
Kadayanallur, Tirunelveli District.
- 5 The Superintendent of Police,
Dindigul District.
- 6 The Deputy Superintendent Of Police,
Oddanchatram Division, Dindigul District
- 7 The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
- 8 The Superintendent of Police,
Karur District, Karur.



9 The Deputy Superintendent Of Police,
Kulithalai, Karur District.

WEB COPY

10 The Inspector of Police (L&O),
Kulithalai Police Station,
Karur District.

11 The Superintendent of Police,
Ramnad District.

12 The Deputy Superintendent Of Police,
Keelakarai Sub Division, Ramnad District.

13 The Inspector of Police
Sayalkudi Police Station,
Sayalkudi, Ramnad District.

14 The District Collector,
Tirunelveli and District.

15 The Commisisoner of Police,
Tirunelveli City, Tirunelveli.

16 The Commissioner,
Tirunelveli Corporation, Tirunelveli.

17 The Inspector of Police,
Perumalpuram Police Station, Tirunelveli.

18 The Superintendent of Police,
Theni and District.

19 The Deputy Superintendent Of Police,
Theni and District.



13

W.P.(MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019

20 The Inspector of Police,
Gudalur North Police Station,
Gudalore, Theni District .

21 The Superintendent of Police,
Tirunelveli District.

22 The Deputy Superintendent of Police,
Tenkasi, Tirunelveli District.

23 The Inspector of Police,
Tenkasi Police Station,
Tenkasi, Tirunelveli District.

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

- +1. C.C. to M/S.S.SUNDARAPANDIAN, Advocate SR.No. 78991
- +1. C.C. to M/S.RAJA.KARTHIKEYAN Advocate SR.No. 79156
- +1. C.C. to M/S.V.ILLANCHEZIAN, Advocate SR.No. 78801
- +1. C.C. to M/S.D.VENKATESH, Advocate SR.No. 78996
- +1. C.C. to M/S.T.S.MOHAMED MOHIDEEN, Advocate SR.No. 78640
- +1. C.C. to M/S.I.SALIYAKHAN, Advocate SR.No. 78790
- +1. C.C. to M/S.R.KRISHNAN, Advocate SR.No. 78817
- +1. C.C. to M/S.S.GOKUL RAJ, Advocate SR.No. 78730

Common Order made in
W.P. (MD)Nos.17485 and 24084 of 2017,
23291, 23657 and 24450 of 2018,
12942, 15926, 15931 and 16091 of 2019
Dated:30.07.2019

TSG

JM/04.09.2019/13P/33C