

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.18871 of 2011
and
MP No.1 of 2011

Seshadri Recreation Club,
Rep. by its President,
Mahendran

... Petitioner

Vs

1. The Commissioner of Police,
Commissionerate of Suburban Chennai
St. Thomas Mount,
Chennai.

2. The Assistant Commissioner of Police,
Ambattur Range,
Ambattur,
Chennai.

3. The Inspector of Police,
E-3 Police Station,
Korattur,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the 3rd respondent from any manner in interfering with the members of the petitioner's club particularly playing rummy in the club premises at Old No.59, New No.4/1, Anna Street, 3rd Cross Street, M.T.H. Road, Padi, Chennai - 600 050.

For Petitioner : Mr.Su.Srinivasan

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus to forbear the 3rd respondent from interfering with the members of the petitioner's club particularly playing rummy in the club premises at Old No.59, New No.4/1, Anna Street, 3rd Cross Street, M.T.H. Road, Padi, Chennai - 600 050.

2. It is the case of the petitioner that it is a registered Society under the Tamil Nadu Societies Registration Act, 1975. It is their case that they offer facilities for Indoor games such as Table Tennis, Carrom, Playing Cards, Chess etc. and also outdoor games such as Badminton, Tennis, Volley Ball and also having a Gym, restaurant and provide lodging facilities. According to them, the respondents were interfering with the functioning of the club by foisting false cases on the members of the petitioner Club.

3. Further, it is their case that on 26.11.2007, the 1st respondent received a call in his mobile from the mobile number of an employee of the club. According to the information received by the petitioner, the person who called the first respondent misrepresented himself by stating that he is a senior officer from the secretariat. The first respondent's office traced the mobile number and an employee of the petitioner club had been identified as the person who made the call to the first respondent. It is the case of the petitioner that the petitioner's staff had given the mobile to the person who called the first respondent as he wanted to make a personal call and the staff did not know the real purpose for which he had asked the phone. According to the petitioner, their staff's mobile number was misused. They have further stated that the said incident was covered in few Tamil Newspapers. In the news item, it was also referred that the petitioner club is running without licence or proper orders with the collusion of police officers. According to the petitioner, the club is a registered club and no untoward incident has happened or any illegality has been committed by the club. According to the petitioner, on 27.11.2007, under the guise of enquiry, the first respondent had entered the club premises and taken custody of the members who were playing rummy.

4. It is case of the petitioner that playing rummy (without gambling) in the club is not a prohibited game and it is a game of skill. Due to the interference of the respondents in the petitioner's club their day to-day affairs are being disturbed. In such circumstances, the

petitioner has filed this writ petition for a Mandamus to forbear the 3rd respondent from interfering with the members of the petitioner club particularly playing rummy in the club premises at Old No.59, New No.4/1, Anna Street, 3rd Cross Street, M.T.H. Road, Padi, Chennai - 600 050.

5. Heard Mr.Su.Srinivasan, learned counsel for the petitioner and Mrs.K.Bhuvaneshwari, learned Additional Government Pleader appearing for the respondents.

6. The learned counsel for the petitioner submits that the petitioner is carrying only lawful activities in the club and they are not running any gambling activity in the name of playing the game of rummy cards. He drew the attention of this Court to an identical matter, in the case of Velayuthampalayam Jeyam Chess Manamagil Mandram versus The Superintendent of Police and another in WP (MD) No.20604 of 2016 passed by this Court by its order dated 10.11.2016 wherein, this Court imposed certain conditions to permit the writ petitioner in that matter to carry activities viz., Indoor games and the game of rummy. In the above referred order in WP (MD) No.20604 of 2016, this Court imposed the following conditions:

- i) The petitioners association shall not indulge in any activity by allowing its members or the guests to play rummy (13 cards) with stakes and make profit or gain;
- ii) The Police are entitled to take action in the event of any illegal activity being carried on in the premises of the petitioner association;
- iii) The Police shall not disturb the petitioner association frequently under the guise of inspection without there being any reliable information as to the illegal activities of the petitioner association or its members or the guests. No costs. Consequently, connected miscellaneous petition is closed.

7. The learned Additional Government Pleader appearing for respondents submits that petitioner Club is carrying on illegal activities and gambling in the name of Indoor games such as Table Tennis, Carrom, Chess, Playing Rummy Cards.

8. This Court is inclined to impose the same conditions as was imposed in the aforesaid order passed in WP (MD) No.20604 of 2016 shall apply to the petitioner club also. The conditions imposed shall deter the petitioner club from permitting any illegal activity within its premises. However, it is made clear that the members of the

petitioner club shall play rummy cards without any gambling activity. The petitioner club shall also strictly comply with the aforesaid conditions. Subject to the fulfilment of the aforesaid conditions mentioned in the order dated 10.11.2016 passed in WP (MD) No.20604 of 2016, the petitioner is permitted to carry on all lawful activities, which includes permitting its members to play the game of rummy without any gambling activity and permitting them to play Indoor games in the premises of the petitioner club at Old No.59, New No.4/1, Anna Street, 3rd Cross Street, M.T.H. Road, Padi, Chennai - 600 050. It is also made clear that whenever it is brought to the notice of the respondents that any illegal activity is taking place within the premises of the petitioner club, the respondents are at liberty to take action against the petitioner club in accordance with law.

9. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Commissionerate of Suburban Chennai
St. Thomas Mount,
Chennai.
2. The Assistant Commissioner of Police,
Ambattur Range,
Ambattur,
Chennai.
3. The Inspector of Police,
E-3 Police Station,
Korattur,
Chennai.

+1cc to Mrs.Vanathi Srinivasan, Advocate, S.R.No.9004

+1cc to the Government Pleader, S.R.No.14677

W.P. No.18871 of 2011

SVI (CO)

Maya (28/05/2020)