

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2020
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No. 18686 of 2013
and
MP No.1 of 2013

The Tirupur Club,
Rep. By its Treasurer
M.Selvam

... Petitioner

Vs

1. The Superintendent of Police,
Tirupur.

2. The Deputy Superintendent of Police,
Tirupur.

3. The Inspector of Police,
North Police Station,
Tirupur.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from in any manner interfering with the activities of petitioner's club viz., The Tirupur Club situated at No.221, Avinashi Road, Tirupur - 641 602 or its members including the facilities provided for playing various games including the game of playing rummy not involving any element of gambling.

For petitioner : Mr.S.Rajasekar
For respondents : Mr.R.S. Selvam,
Government Advocate

ORDER

This writ petition has been filed for a Mandamus to forbear the the respondents from in any manner interfering with the activities of petitioner's club viz., The Tirupur Club situated at No.221, Avinashi Road, Tirupur - 641 602 or its members including the facilities provided for playing various games including the game of playing rummy not involving any element of

gambling.

2. It is the case of the petitioner that it is a registered Society under the Societies Registration Act XXI of 1860. According to the petitioner club, the object of running the said club is to maintain a reading room and library to provide games and recreation to its members and to undertake any other activity temporary or permanent in the interest of the members. It is their case that they offer facilities to its members to play rummy, which does not amount to any gambling activity. It is also their case that they offer facilities to the children of the members to play various games such as Tennis and Billiards. Moreover, according to them, they have installed CCTV camera in the playing rooms and other areas of the Club. According to them, the respondents on the basis of an anonymous letter had summoned the members of the managing committee of the club and informed them that the club should not permit their members to play the game of rummy. According to the petitioner, when they are strictly following the rule of law and have not committed any violation of any law, they cannot be prevented from carrying on lawful activities of the club.

3. Heard Mr.S.Rajasekar, learned counsel for the petitioner and Mr.R.S. Selvam, learned Government Advocate for respondents.

4. The learned counsel for the petitioner submits that the petitioner is carrying on only lawful activities and they are not running any gambling activity in the name of playing indoor games and playing rummy cards. He drew the attention of this Court to an identical matter in the case of The Tamil Nadu Billiards & Snookers club, versus The Director General of Police and three others in WP No.27643 of 2018 passed by a learned Single Judge of this Court, by its order dated 04.03.2019 wherein, certain conditions were imposed to permit the petitioner therein which was also a club to carry activities viz., Indoor games and the game of rummy within their premises.

5. According to the learned Government Advocate appearing for the respondents, the petitioner club is carrying on illegal activities like gambling in the name of games such as Tennis, Billiards and Playing Rummy Cards.

6. In the above referred order of the learned Single Judge passed in WP No.27643 of 2018, this Court issued the following directions :

7. Considering the above stated facts and circumstances, this writ petition is disposed of by issuing the following directions :

- i) if there is any evidence of gambling in some other way, the respondent police have a right to enter the premises of the petitioner's Club, inspect and take further action as per law;
- ii) The respondent police are also advised not to disturb the petitioner club frequently under the guise of inspection as it would disturb the peace harmony of the petitioner club.
- iii) The petitioner and the members of the petitioner Club are entitled to carry on lawful activities within their premises and there should not be any interference from the police authorities, so long as their activities are not in violation of the provisions of the Public Gambling Act, 1867 / Tamil Nadu Gaming Act, 1930;
- iv) if the police authorities have specific information or reasonable doubt that the activities carried on by the Club or its members are not in accordance with law or they indulge in unlawful activities in violation of the provisions of the Public Gambling Act, 1867/ 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;
- v) While exercising the powers conferred on the Police authorities, they should follow the mandatory provision as contained in Section 5 of the Tamil Nadu Gaming Act, 1930 / Public Gambling Act, 1867;
- vi) It is always open to the Club or its members to challenge the action taken by the Police, if it is not in accordance with law;
- vii) In case the Police authorities are of the opinion that a situation has arisen to suspend the operation of the Club in exercise of the powers conferred, they have to issue an order in writing. When there is no authority to the Police to issue an order of suspension orally, they are not entitled to pass such oral orders; and

viii) Before passing orders for the purpose of closure of the Club in exercise of the powers conferred on the authorities, they should follow the principles of natural justice. The Club should be given an opportunity to submit their objections and if so desired, a further opportunity of personal hearing should also be given.

7. This Court is inclined to impose the same conditions as was imposed in the aforesaid order viz., W.P. No.27643 of 2018 to the petitioner club also as adequate safeguards have been provided therein for any violation of law. Subject to the fulfilment of the aforesaid conditions mentioned in the order dated 04.03.2019 passed in WP No.27643 of 2018, the petitioner is permitted to carry on its lawful activity, 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 No.221, Avinashi Road, Tirupur - 641 602. It is also made clear that whenever it is brought to the knowledge of the respondents that any illegal activity is taking place in the premises of the petitioner club, the respondents are at liberty to take action against the petitioner club in accordance with law.

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

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vsi2

To

1. The Superintendent of Police,
Tirupur.

2. The Deputy Superintendent of Police,
Tirupur.

4/5

3. The Inspector of Police,
North Police Station,
Tirupur.

+1 cc to M/s.R.Hemalatha Advocate sr7009
+1 cc to the Government Pleader sr7653

W.P. No. 18686 of 2013

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