

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

W.P.No.14468 of 2020

M/s Mettur Bharathi Sports and Recreation Club
Rep. by its President
P.Murugan
No.66, B-Block
Goods Road, Mettur Taluk
Salem District - 636 407. ... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office
Neethimedu
Salem-636 002.

2.The Deputy Superintendent of Police
District Police Office
Mettur Dam, Mettur
Salem - 636 002.

3.The Inspector of Police,
Karumalaikudal Police Station
Mettur Dam, R.S-2,
Salem - 636 402.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus forbearing the respondents, their men, agents, from interfering with the peaceful conduct of the petitioner's club in the name and style of M/s.Mettur Bharathi Sports and Recreation Club" having office at No.66, B-Block, Goods Road, Mettur taluk, Salem District-636 407, based on the petitioner's representation dated 17.09.2020.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mrs.M.Prabhavathi
Additional Public Prosecutor
for R1 to R3

O R D E R

The prayer in this writ petition is to forbear the respondents from interfering with the peaceful conduct of the petitioner's club in the name and style of "M/s.Mettur Bharathi Sports and Recreation Club" at No. 66, B-Block, Goods Road, Mettur taluk, Salem District-636 407, based on the petitioner's representation dated 17.09.2020.

2. Heard Mr.R.Ragavendran, learned counsel for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents police.

3. The petitioner club claims to be registered under the Tamil Nadu Societies Registration Act, 1975, on 27.03.2019 with the objectives of promoting sports activities among the students and doing other charitable and philanthropic activities. The members of the Club are allowed to pay indoor games, including rummy. It is claimed by the petitioner that though the rummy game is not prohibited one, as frequent raids are being conducted by the respondents in similar Clubs in the District, which would cause interference with the affairs of the club, the petitioner is before this Court.

4. Placing reliance on a Division Bench Judgment of this court in Director General of Police, State of Tamil Nadu vs. Mahalakshmi Cultural Association reported in 2012(2) CTC 484, learned counsel for the petitioner submitted that playing rummy without stakes is not prohibited one. Learned counsel also contended that the entire premises is under the surveillance of CCTV Cameras and they will produce the back up, if the respondents want to verify the activities.

5. The learned Special Government Pleader submitted that the respondents shall not interfere with the affairs of the club, if the activities of the club are lawful.

6. This Court in a similar order dated 05.03.2020 in W.P.No.2972 of 2012 gave certain directions, i.e., directions (a) to (j). When the matter was taken in appeal in W.A.No.296 of 2013, a Division Bench of this Court vide the Judgment dated 06.10.2017 set aside the directions (a) and (e). Similarly, the directions issued by a Division Bench of this Court in Mahalakshmi Cultural Association's Case (cited supra), are also helpful to the facts of the case. Since the issue is covered by the above referred judgments, this writ petition could also be disposed of in terms of the order made in W.P.No.2972 of 2012 dated 05.03.2012 as modified in W.A.No.296 of 2013 dated 06.10.2017 and the Judgment reported in 2012(2) CTC 484.

7. Accordingly, this writ petition is disposed of with the following directions:

(a) The petitioner Club is permitted to allow the visitors to play indoor/outdoor games and there should not be any gambling activities.

(b) The respondents shall not interfere with the affairs of the club, if the conduct of the games is in tune with the directions of this Court and as per the provisions of the Public Gambling Act, 1867.

(c) The petitioner shall maintain CCTV Cameras inside the Club area, where gaming facilities are provided and record everyday's activities. Whenever the respondents receive complaints or input of gambling, instead of visiting the Club directly, the respondents may direct the Club to produce the CCTV footage, based on which the respondents may take action in accordance with law.

(d) It is the responsibility of the petitioner Club to provide CCTV footage intact, after retaining a copy for their reference. Installation of such CCTVs may be done as per instructions from the respondents, in accordance with the guidelines.

(e) It is open to the respondents to take action against the petitioner Club, in accordance with law, if there is specific input or reasonable doubt, by entering into the club.

(f) The respondents, while exercising the powers, should follow the mandatory provisions as enumerated in Section 5 of the Tamil Nadu Gaming Act, 1930 / Public Gaming Act, 1867.

There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
District Police Office
Neethimedu
Salem-636 002.

2.The Deputy Superintendent of Police
District Police Office
Mettur Dam, Mettur
Salem - 636 002.

3.The Inspector of Police,
Karumalaikudal Police Station
Mettur Dam, R.S-2,
Salem - 636 402.

+1cc to M/s.R.Ragavendran, Advocate SR.33346

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SRA(CO)
CB(03/11/2020)



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