



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 29361 of 2019

And

W.M.P.No. 29175 of 2019

S.Thanikachalam

.. Petitioner

..Vs..

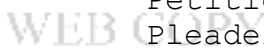
1. The Superintendent of Police
District Police Office, Nethimedu
Salem - 636 002.
2. The Deputy Superintendent of Police
Omalur Police Sub Division
Omalur
Salem District.
3. The Inspector of Police
Omalur Police Station
Omalur
Salem District.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents and their subordinates from interfering with the peaceful and lawful activities of the petitioner's club viz., Omalur sports & Recreation Club, Omalur, Salem District, in the light of the order passed by this Court in W.P.No. 29444 of 2018 dated 22.11.2018.

For Petitioner : Mr. M.R.Jothimanian

For Respondents : Mr. Inbanathan
Additional Government Pleader





Act, so that public order, decency and morality, which can form the basis for a regulatory law under Article 19(2) of the Constitution, are taken care of."

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3. Learned Additional Government Pleader appearing for the Respondents submits that the Government of Tamil Nadu accepting the suggestions made by this Court in the aforesaid decision, has made necessary amendments to the Chennai City Municipal Corporation Act, 1919, and in the enactments relating to other Urban Local Bodies, which have come into force with effect from 01.02.2019.

4. In view of the aforesaid submissions made by the learned counsel for both sides, the following directions are issued:-

(i) the Petitioner is entitled to carry on lawful business of Omalur sports & Recreation Club, Omalur, Salem District, within the premises and normally there would not be any interference from the police authorities so long as the activities are not in violation of the provisions of any law;

(ii) if the Police Authorities have specific information or reasonable doubt that the activities carried on in the Omalur sports & Recreation Club, Omalur, Salem District, of the Petitioner are in violation of law or relate to unlawful activities, would be open to them, after recording reasons in the General Diary maintained in the Police Station, to proceed to enter the premises of the Petitioner, conduct investigation, interrogate those who are involved in such activities and take appropriate action in accordance with law;

(iii) the Police Authorities shall not otherwise unnecessarily disturb the activities of club of the Petitioner under the guise of inspection;

(iv) while exercising the powers conferred on the police authorities, they shall strictly follow the procedure prescribed by law;

(v) it is always open to the Petitioner to challenge the action taken by the Police, if it is not in accordance with law;

(vi) the Petitioner shall comply with the requirements of the police authorities to install CCTV cameras at the locations earmarked and shall furnish the footages to the police authorities, whenever required; and

(vii) it shall be incumbent upon the Petitioner to ensure that all licences required under various enactments applicable to the conduct of business of Omalur sports & Recreation Club,



Omalur, Salem District, of the Petitioner, are in force in order to avail the benefit of this order and in the event of the same getting expired by lapse of time, suspended or cancelled by the concerned authorities, the Petitioner shall not be entitled to rely on this order to avoid the consequences arising therefrom.

5. The Writ Petition is disposed on the aforesaid terms. No order is necessary. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsg
To

1. The Superintendent of Police
District Police Office, Nethimedu
Salem - 636 002.
2. The Deputy Superintendent of Police
Omalur Police Sub Division
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Salem District.
3. The Inspector of Police
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Omalur
Salem District.

+1 cc to Mr.M.R.Jothimanian Advocate sr3847
+1 cc to the government pleader High court Madras
sr 3946

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aa21/01/2020