



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11945 of 2020

S.K.V.Recreation Club,
Registered No.38/2017,
No.11/1, New Ramnad Road,
Madurai 9,
Represented by President,
N.Raghu

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Silaiman Police Station,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents and their subordinates from interfering with day today affairs of the petitioner's Club namely S.K.V.Recreation Club, functioning at Door No.11/1, New Ramnad Road, Madurai.

For Petitioner	: Mr.S.Premkumar
For Respondents	: Mr.R.Srinivasan
	Government Advocate

O R D E R

Heard the learned counsel on either side.

2.The petitioner is a recreation club and has been registered as Society under the Tamilnadu Societies Registration Act, 1975.

3.The grievance of the petitioner is that the second respondent is unnecessarily interfering with their day-to-day activity. Hence, this petition has been filed for forbearing the respondents from doing so.

4.When the matter was taken up for hearing, the learned Government Advocate pointed out that the petitioner has earlier filed W.P.(MD)No.8800 of 2020 and the same was dismissed. But then, as rightly pointed out by the learned petitioner's counsel, the said writ petition was dismissed with liberty to file a fresh writ petition after lifting of the lockdown restrictions that were announced in the wake of COVID-19 outbreak.



5.The petitioner's counsel states that the members of the petitioner's club will not play for stakes and that they would play only for entertainment. He also pointed out that vide order dated 30.09.2019 in W.P.(MD)No.21025 of 2019, a set of directions were issued. He states that this Court also may issue the very same directions.

6.Accordingly, following the aforesaid order, the following directions are issued:-

(I) The petitioner Club shall not indulge in any illegal activity under the guise of playing games;

(II) 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;

(III) The respondent police are also advised not to disturb the petitioner's Club frequently under the guise of inspection, as it would disturb the peace harmony of the petitioner Club;

(IV) The petitioner and the members of the 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;

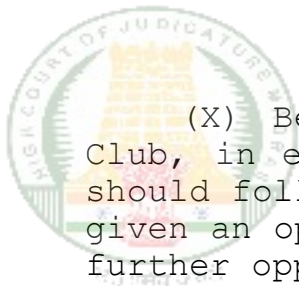
(V) In normal circumstances, there should be no interference in the lawful functioning of the Clubs by the Police. It is not permissible for the Police to enter the Club premises as a routine measure, so long as the Clubs are functioning within the frame work of law;

(VI) 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;

(VII) 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;

(VIII) It is always open to the Club or its members to challenge the action taken by the Police, if it was not in accordance with law;

(IX) In case the Police Authorities were 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 granted to the Police to issue an order of suspension orally, they are not entitled to pass such oral orders; and



(X) 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.

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7.The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Writ)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
Silaiman Police Station,
Madurai.

+1 CC to M/s.J. KRISHNAKUMAR, Advocate (SR-19694[F] dated
12/10/2020)

W.P. (MD)No.11945 of 2020

09.10.2020

SGS (CO)

NR (02/11/2020) 3P : 4C