



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2020

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.16047 of 2020

K.Kalliappan,
S/o.Kalimuthunadar,
Tenpoothigai Saral Manamagil Mandram,
No.10/323, Aanikulam Road,
Shernthamangalam,
Kadayanallur Taluk,
Tenkasi District.

... Petitioner

Vs.

1. The Superintendent of Police,
Superintendent of Police Office,
Tenkasi District.
2. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Puliangudi
Tenkasi District.
3. The Inspector of Police
Kadayanallur Police Station
Tenkasi District.
4. The Sub-Inspector of Police
Shernthamangalam, Police Station
Tenkasi District.
5. The Tahsildhar,
Kadayanallur Taluk,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue a license to the petitioner's "Tenpoothigai Saral Manamagil Mandaram" to allow the lawful activities of club under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888 as well as Section 34 of the Madras City Police Act 1888 in the petitioner's "Tenpoothigai Saral Manamagil Mandaram", the call to play the game of Rummy, with stakes and other indoor, outdoor games



in the premises at No.10/323, Aanikulam Road, Shernthamangalam, Kadayanallur Taluk, Tenkasi District, in accordance with law.

For Petitioner : Mr.P.Murugesan

For Respondents : Mr.R.Srinivasan
Government Advocate(Crl.Side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to issue license to the petitioner's "Tenpoothigai Saral Manamagil Mandaram" to allow the lawful activities of club under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888 as well as Section 34 of the Madras City Police Act 1888 in the petitioner's "Tenpoothigai Saral Manamagil Mandaram".

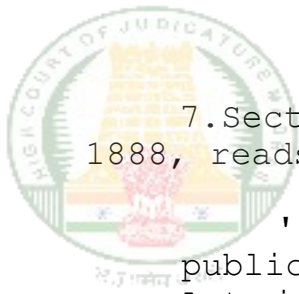
2.The learned counsel for the petitioner would state that the petitioner is the President of the club namely, 'Tenpoothigai Saral Manamagil Mandaram' registered under the provisions of the Tamil Nadu Societies Registration Act, 1975 and the registration number is 54/2019. The members of the club are from all walks of life irrespective of caste or community and the club is functioning as per its rules and regulations and for the welfare of the club members, the petitioner has arranged both indoor and outdoor games.

3.The learned counsel for the petitioner would further state that the petitioner has to get licence under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, to run the club and therefore, the petitioner made a representation on 13.10.2020 to grant licence under Section 3 of the Act. Since no order has been passed on the said representation, the petitioner is before this Court.

4.The learned counsel for the petitioner has produced the decision of this Court in W.P(MD)No.2677/2009 dated 27.04.2009 (Kalaimagal Recreation Club vs. Commissioner of Police, Tirunelveli, and another) where this Court has elaborately discussed about the various issues on the functioning of the recreation club and would pray to consider the petitioner's representation in the light of the above decision.

5.The learned Government Advocate(Crl.Side) would state that the respondents will consider and pass orders on the petitioner's representation dated 13.10.2020 within a time frame.

6.Heard the learned counsel for the petitioner as well as the learned Government Advocate(Crl.Side) for the respondents.



7. Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, reads as follows:-

''3. Licences for use of enclosed place or building for public resort or entertainment. - In any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, shall be used for public resort or entertainment in the following cases, unless a licence has been obtained in respect thereof under this Act: -

(a) In every case where the area within the enclosed place or occupied by the building is five hundred square feet or more;

(b) In case the area aforesaid is less than five hundred square feet, if the place of building is situated within the jurisdiction of a municipal council or [of a panchayat classified as a Class I Panchayat under clause (a) of sub-section (1) of section 5 of the [Tamil Nadu] Village Panchayats Act, 1950 ([Tamil Nadu] [Act X of 1950]) or as a town-panchayat under the [Tamil Nadu] Panchayats Act, 1958 ([Tamil Nadu] [Act XXXV of 1958]) and the public are allowed to take part in any game or competition therein.]

''

8. The above provision clearly states that the enclosed place or building, whether permanent or temporary, shall not be used for public resort or entertainment, without obtaining a licence under the above section. In the present case on hand, the petitioner has applied for a licence on 13.10.2020 and the same has not been considered till date.

9. Therefore, recording the submission made by the learned Government Advocate (Crl. Side), the respondents are directed to consider the representation of the petitioner dated 13.10.2020 seeking to issue licence under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, in the light of the decision of this Court in W.P(MD)No.2677/2009 dated 27.04.2009, and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall send a copy of the representation dated 30.10.2020 to the respondents along with a copy of this order and also the copy of the decision in W.P(MD)No.2677/2009 dated 27.04.2009, so as to enable the respondents to comply with the directions of this Court within the stipulated time. If the authorities concerned granted licence to the petitioner, the respondents/police shall not interfere with the day-to-day activities of the petitioner's club unless the petitioner's club involved in any illegal activities or members of the club causes disturbance to the general public.



10. With the above direction, this Writ Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

bala/rm

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,
Superintendent of Police Office,
Tenkasi District.
2. The Deputy Superintendent of Police,
Deputy Superintendent of Police Office,
Puliangudi
Tenkasi District.
3. The Inspector of Police
Kadayanallur Police Station
Tenkasi District.
4. The Sub-Inspector of Police
Sethamangalam Police Station
Tenkasi District.
5. The Tahsildhar,
Kadayanallur Taluk,
Tenkasi District.

+1 CC to Mr.P.MURUGESAN, Advocate (SR-25394[F] dated 14/12/2020)

W.P(MD)No.16047 of 2020

DATED : 14.12.2020

SR(CO)

CS(30.12.2020) 4P 7C

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