



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.18011 of 2020

(Through Video Conference)

WEB COPY

Raja

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Thasildar,
Nillakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to issue license under Sections 3 & 5 of the Tamil Nadu Places of Public Resort Act, 1888 to the petitioner's club based on the representation of the petitioner dated 07.02.2020.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to issue license to the petitioner under Sections 3 & 5 of the Tamil Nadu Places of Public Resort Act, 1888 to the petitioner's club, based on the representation of the petitioner dated 07.02.2020.

2. Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents takes notice on behalf of the respondents By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that their club is situated at Thimminayackanpatti, Nillakottai Taluk, Dindigul District and it is registered under the Tamil Nadu Societies Registration Act, 1975. According to them, the club has been running to promote various facilities to its members. It is also their case that their club is not involved in any illegal activity.



4. The petitioner has made a representation on 07.02.2020 to the second respondent to issue license for carrying on the lawful activity of playing rummy (13 cards) by their members. It is the case of the petitioner that the said representation was given seeking license under sections 3 & 5 of the Tamil Nadu Places of Public Resort Act, 1888. According to the petitioner, till date the said representation has not been considered by the second respondent. In such circumstances, this writ petition has been filed.

5. Heard Mr.S.Sarvagan Prabhu, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents.

6. A positive direction as sought for in this writ petition namely to grant license for the petitioner's club to permit its members to play rummy (13 cards) cannot be granted by this Court. It is for the respondents to consider the petitioner's representation seeking for permission to play rummy(13 cards) in their club, on merits and in accordance with law. The only limited relief that can be granted by this Court is to direct the second respondent to consider the petitioner's representation dated 07.02.2020 seeking permission for its members to play rummy(13 cards) in their club and grant license under Sections 3 & 5 of Tamil Nadu Places of Public Resort Act, 1888. No prejudice would be caused to the respondents if the representation of the petitioner dated 07.02.2020 is considered by them on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 07.02.2020 seeking license for their members to play rummy in their club under Section 3 & 5 of Tamil Nadu Places of Public Resort Act, 1888 and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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 District Collector,
Dindigul District,
Dindigul.

2.The Thasildar,
Nillakottai Taluk,
Dindigul District.

+1 cc to The Special Government Pleader Sr.No.24912

Order made in
W.P. (MD)No.18011 of 2020
Dated:
09.12.2020

KM (06.01.2021) 3P 4C