

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.NO.2045 OF 2021

S.Baskar

...Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
2. The Deputy Commissioner of Police,
T.Nagar Range,
T.Nagar, Chennai.
3. The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai.
4. The District Registrar (Admin) and
Registrar of Societies (AIG Cadre),
Chennai South,
Industrial Estate,
Guindy, Chennai.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the respondents from in any manner interfering with the affairs of the petitioner's club, Zodiac Recreation Club, situated at No.4, Kasi Estate, 3rd Floor, Pilayar Kovil Street, Jaffer Khanpet, Ashok Nagar, Chennai-600 083, its members including the facilities provided for playing various games including the game of playing rummy not involving any element of gambling.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents: Mr.B.Anand,
Government Advocate for R1 to R3

Mr.T.M.Pappiah,
Special Government Pleader for R4

ORDER

Mr.B.Anand, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.T.M.Pappiah, learned Special Government Pleader takes notice for the respondent-4.

2. By consent of both the parties, this Writ Petition is taken up for final disposal.

3. The Writ Petition is filed seeking a mandamus to forbear the respondents from in any manner interfering with the affairs of the petitioner's club, Zodiac Recreation Club, situated at No.4, Kasi Estate, 3rd Floor, Pilayar Kovil Street, Jaffer Khanpet, Ashok Nagar, Chennai-600 083, its members including the facilities provided for playing various games including rummy not involving any element of gambling.

4. The learned counsel for the petitioner has brought to the notice of this Court that, in similar circumstances, this Court had passed an order on 09.01.2020 in W.P.No.29759 of 2019, and hence prayed to pass a similar order in this case also.

5. The learned counsel for the petitioner has given an undertaking before this Court that the game of rummy will not be played with money (i.e) betting and gambling. The said undertaking is recorded.

6. This Court, while disposing of the writ petition in W.P.No.29759 of 2019, has imposed certain conditions for running a club, which reads thus:

"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 Sai Recreation and Sports Club 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 Sai Recreation and Sports Club 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 ear marked 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 spa 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"

7. Since the issue involved in this Writ Petition is also similar to that of W.P.No.29759 of 2019, the petitioner is directed to scrupulously follow the conditions imposed in paragraph No.4 of the above said order. It is open to the respondents to conduct a surprise inspection in respect of the affairs of the petitioner-Club. However, if any action taken by the respondents in violation of the conditions mentioned above, it is open to the petitioner to challenge the same in the manner known to law.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

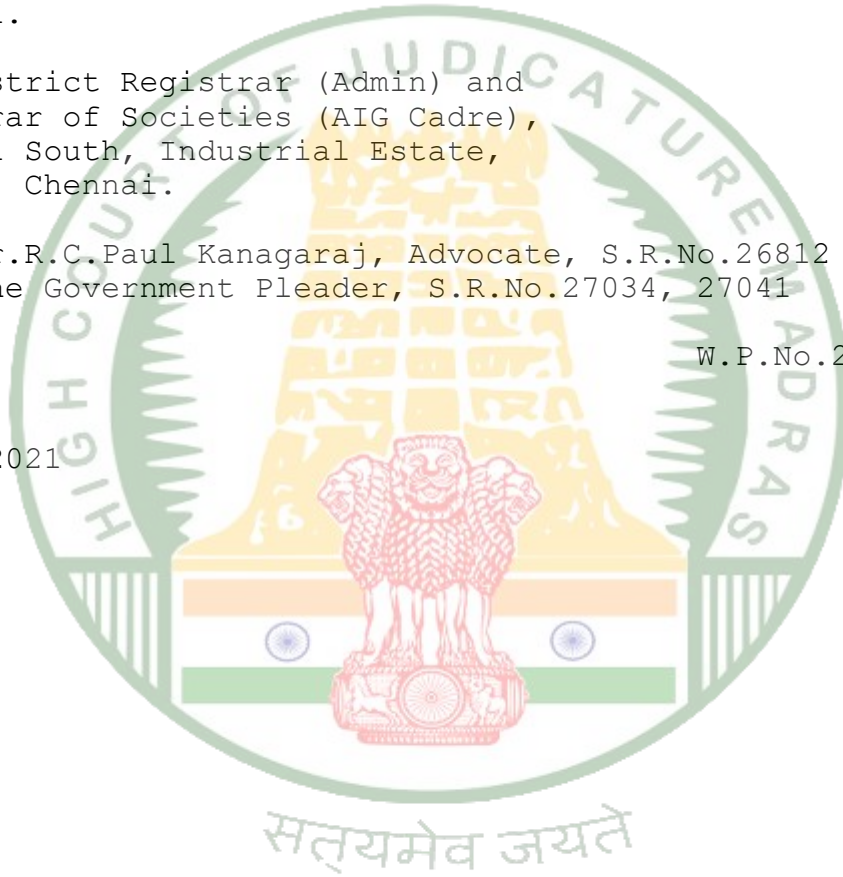
To

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+1cc to Mr.R.C.Paul Kanagaraj, Advocate, S.R.No.26812
+1cc to the Government Pleader, S.R.No.27034, 27041

W.P.No.2045 of 2021

JPL(CO)
CS/29/06/2021



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