



Contempt Petition No.481 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Contempt Petition No.481 of 2021

Seshadri Recreation Club,
Rep. by its President,
K. Pandian,
D.No.13/6, Somasundara Bharathi Nagar,
First Street, Vadapalani,
Chennai 600 026

... Petitioner

versus

Porkodi,
Inspector of Police,
E3 Korattur Police Station,
Korattur, Chennai

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts
Act to punish the respondent herein for the wilful disobedience of the order
dated 18.02.2020 made in W.P. No.28949 of 2011

For Petitioner : Mr.Tamilmayan

For Respondent : Mr.L.S.M. Hasan Fizal
Government Advocate



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ORDER

(Heard Video Conference)

This contempt petition has been filed for the alleged disobedience of the order dated 18.02.2020 passed by this Court in WP No.28949 of 2011.

2. The operative portion of the aforesaid order is extracted hereunder :-

8. This Court is inclined to impose the same conditions as was imposed in the aforesaid order passed in WP (MD) No.20604 of 2016 shall apply to the petitioner club also. The conditions imposed shall deter the petitioner club from permitting any illegal activity within its premises. However, it is made clear that the members of the petitioner club shall playing 13 card rummy without any gambling activity. The petitioner club shall also strictly comply with the aforesaid conditions. Subject to the fulfilment of the aforesaid conditions mentioned in the order dated 10.11.2016 passed in WP (MD) No.20604 of 2016, the petitioner is permitted to carry on all lawful activities, which includes permitting its members to play the game of rummy without any gambling activity and permitting them to play Indoor games in the premises of the petitioner club at Old No.59, New No.4/1, Anna Street, 3rd Cross Street, M.T.H. Road, Padi, Chennai - 600 050. It is also made clear that whenever it is brought to the notice of the respondents that any illegal activity is taking place within the premises of the petitioner club, the respondents are at liberty to take action against the petitioner club in accordance with law.

3. A counter affidavit has been filed by the first respondent stating that the respondent have never disobeyed the aforesaid order. According to them, they have never entered into the petitioner's club and never interfered



with the day to-day business and administration of the petitioner's club.

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According to them, based on a FIR, search was conducted by them only to the building next to the petitioner's club and not to the petitioner's club.

4. The relevant paragraph of the counter affidavit filed by the respondent is extracted hereunder :-

9. I submit that we have got information that from the public that some unknown persons were involved in gambling by playing 13 cards rummy near to the Petitioner's Club. Hence as per the instructions of the Higher officials, we have conducted a search in Riyaa Syed Mansion situated at Anna 3rd street, Padi, Chennai - 600 050 (adjacent to the petitioner's club) and during the search in fourth floor of said building we found that 12 persons were involved in gambling by playing Rummy and there were two persons who were incharge of said mansion. We have got the CCTV footage from the incharge of said building which confirms the occurrence of Gambling. Hence we have arrested all the persons and seized the cards used for gambling, cell phones of the accused persons, Rs.11,055/- DVRs,15 Key mobile, Purse. After arrest and seizure as per the instructions of the Higher Officials, we have registered case against 14 persons on 22.11.2020 in Crime No.2286 of 2020 for the offences under Sections 45 and 46 of City Police Act. The accused persons have given confession voluntarily and they have admitted that they were involved in Gambling. Hence, it is clear that we have acted as per law and registered a case only for the offence committed and we have not acted in a manner to disturb the business and administration of the club. I further submit that we have discharged our duty only as per law and



being law enforcing agency we have responsibility to take action against the offences committed. Hence there is no question of disobeying the orders of this Hon'ble Court.

10. It is respectfully submitted that we have not entered the petitioner's club and the government in para 6 is denied.

11. I further submit that we have never intended to interfere with day today business and administration of the petitioner's Club. I further state that even as per the FIR, the search has been conducted only in the building next to the petitioner's club and not in the petitioner's Club. There is no illegality in registering the case.

5. In the affidavit filed in support of the contempt petition, excepting for making a bald allegation that the respondents have disobeyed the order, no specific allegation has been made as to when the respondent's have disobeyed the order. The date of disobedience is also not mentioned in the affidavit.

6. Therefore, this Court will have to necessarily accept the averments contained in the counter affidavit filed by the respondents, wherein they have stated that they have never disobeyed the order dated 18.02.2020 passed by this Court in WP No.28949 of 2011.

7. For the foregoing reasons, there is no merit in this contempt petition. Accordingly, the contempt petition is dismissed. However, it is



made clear that if at all the respondent disobeyed the order dated 18.02.2020 passed by this Court in WP No.28949 of 2011, in the near future, the petitioner is at liberty to approach this Court by way of filing contempt petition.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

vsi2

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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GS/28/09/2021

To

The Inspector of Police,
E3 Korattur Police Station,
Korattur, Chennai