

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.13522 of 2020
and
W.M.P. No.16739 of 2020

The Siruvani Diwan Cultural Academy,
Rep. by Secretary
Kannadhasan Ramasamy

.... Petitioner

Vs.

1. The Superintendent of Police,
State Bank of India Road,
Coimbatore - 641 018.

2. The Deputy Superintendent of Police,
Karumathampatti Sub-Division,
Karumathampatti Post,
Coimbatore District.

3. The Inspector of Police,
Sulur Police Station,
Sulur,
Coimbatore - 641 402.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents herein their subordinates, men or anybody acting through them in any manner interfering with the lawful activities being carried on by the petitioner's club as per the by-laws and registered under the Tamil Nadu Societies Registration Act, 1975 in Registration No.188/2017 on 03.07.2017 and the Rules made there under at its registered office at No.1/73, Sandhiya Garden Road, Mayilampatti Post, Coimbatore - 641 062.

For petitioner : Mr.K.Balaji

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus to forbear the respondents from interfering with the lawful activities being carried on by the petitioner's Club as per their by-laws registered under the Tamil Nadu Societies Registration Act, 1975 in Registration No.188/2017 on 03.07.2017 and the Rules made thereunder at its registered office at No.1/73, Sandhiya Garden Road, Mayilampatti Post, Coimbatore - 641 062.

2. It is the case of the petitioner that they are running the said Club from 2017 onwards strictly in accordance with their by-laws. According to the petitioner despite the same, the 3rd respondent and his subordinates have been interfering with the petitioner's Club activities on the false ground that the members of the petitioner's Club have been violating the gambling Act by doing gambling activities in the form of playing the game of rummy. In such circumstances, the petitioner's Club has filed this writ petition seeking to forbear the respondents from interfering with the lawful activities of their Club.

3. Heard Mr.K.Balaji, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents.

4. The learned counsel for the petitioner, on instructions would categorically submit before this Court that the members of the petitioner's Club do not play the game of rummy within the Club premises.

5. Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents would submit that if the members of the petitioner's Club are not playing the game of rummy, the respondents do not have serious objection for the petitioner's Club to carry on their activities strictly in accordance with their by-laws, which have been registered under the Societies Registration Act.

6. According to the petitioner as seen from the affidavit filed in support of this writ petition, their main objects are as follows :-

a. To promote faculty of the members in literacy, science, art and culture by forming a library, reading room.

b. To provide with indoor games, room for playing badminton, carom, chess and cards, playing cards, besides the society will also conduct annual sports like football, Volleyball and Badminton every year to increase the skills of the members.

c. To provide donations for Social Works, Hospitals

and Schools from Society funds.

d. The Society will never work for profitable motive and political motive.

e. To promote harmony and friendship among members.

f. To work for the promotion of Art, Culture among members.

g. To save nature from pollution and to promote health of the mass.

h. Daily physical exercise and free teaching will be arranged by the society for members.

i. And to generally do all, such other lawful things as are incidental or conducive or may be necessary in the interest of the Society and promote physical, moral and intellectual and cultural welfare of the members and their families.

j) The Association will act as per the provision of Tamil Nadu Societies Registration Act, 1975.

7. As seen from the aforementioned objects, this Court does not find anything illegal with those objects. If the petitioner's Club restricts its activities only to the aforementioned objects, the respondents cannot prevent them from running the Club in a smooth manner.

8. The learned counsel for the petitioner, on instructions has also made a categorical undertaking that the members of the petitioner's Club will not play the game of rummy (cards game).

9. For the foregoing reasons, the petitioner's Club is directed to run its Club at No.1/73, Sandhiya Garden Road, Mayilampatti Post, Coimbatore - 641 062 strictly in accordance with their by-laws registered under the Tamil Nadu Societies Registration Act, 1975 and its Rules without allowing its members to play the game of rummy and if the petitioner complies with the undertaking given by them before this Court through their counsel, the respondents shall not disturb the petitioner's smooth functioning of its Club.

10. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
State Bank of India Road,
Coimbatore - 641 018.

2. The Deputy Superintendent of Police,
Karumathampatti Sub-Division,
Karumathampatti Post,
Coimbatore District.

3. The Inspector of Police,
Sulur Police Station,
Sulur,
Coimbatore - 641 402.

+1cc to M/s.K.Balaji, Advocate SR.8644

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and
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SSV(CO)
CB(09/03/2021)