



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

W.P.(MD)No.319 of 2021

Gopal Recreation Club,
Rep. by its President,
S.Narayanasamy
Door No.1-113/115, Vasanthanagar,
Karisalpatti,
Thirumangalam,
Madurai District.

... Petitioner

Vs.

1.The Superintendant of Police,
Madurai District,
Madurai.

2.The Inspector of Police
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents from interfering with day-to-day activities of the petitioner's club namely, Gopal Recreation Club, at Door No.1-113/115, Vasanthanagar, Karisalpatti, Thirumangalam, Madurai District and also consequently, direct the respondents to give permission to conduct the games by considering the petitioner's representation dated 01.12.2020.

For Petitioner : Mr. P.Janarthanan

For Respondents : Mr.R.Saravana Kumar

Government Advocate (Crl. Side)

ORDER

The present writ petition is filed to forbear the respondents from interfering with the day-to-day activities of the petitioner's club, namely, Gopal Recreation Club, at Door No.1-113/115, Vasanthanagar, Karisalpatti, Thirumangalam, Madurai District.

2.The primordial submission of the learned counsel for the petitioner is that the petitioner club has been duly licensed and that the members of the club are not involved in any illegal activities. However, the respondents 1 and 2 are interfering with the day-to-day activities of the club.

3.Mr.P.Janarthanan, learned counsel for the petitioner,
<https://heservices.ecourts.gov.in/heservices/>
draw the attention of this Court to the orders passed in W.P.(MD)



No.14137 pf 2020 dated 12.10.2020, in which the following guidelines are issued in Paragraph No.5 :-

"5.In terms of the said order, I dispose of the writ petition in the following terms:-

" (I) The petitioner Club shall not indulge in any illegal activity under the guise of playing games;

(II) If there is any evidence of gambling in some other way, the respondent police have a right to enter the premises of the petitioner's Club, inspect and take further action as per law;

(III) The respondent police are also advised not to disturb the petitioners Club frequently under the guise of inspection, as it would disturb the peace harmony of the petitioner Club;

(IV) The petitioner and the members of the Club are entitled to carry on lawful activities within their premises and there should not be any interference from the police authorities, so long as their activities are not in violation of the provisions of the Public Gambling Act, 1867 /Tamil Nadu Gaming Act, 1930;

(V) In normal circumstances, there should be no interference in the lawful functioning of the Clubs by the Police. It is not permissible for the Police to enter the Club premises as a routine measure, so long as the Clubs are functioning within the frame work of law;

(VI) If the Police Authorities have specific information or reasonable doubt that the activities carried on by the Club or its members are not in accordance with law or they indulge in unlawful activities in violation of the provisions of the Public Gambling Act, 1867/Tamil Nadu Gaming Act, 1930 or any other enactment, it would be open to them, after recording reasons in the General Diary maintained in the Police Station to proceed to enter the Club premises, conduct investigation, interrogate those who involve themselves in such activities and take appropriate action on merits and as per law;

(VII) While exercising the powers conferred on the Police Authorities, they should follow the mandatory provision as contained in Section 5 of the Tamil Nadu Gaming Act, 1930/Public Gambling Act, 1867;

(VIII) It is always open to the Club or its members to challenge the action taken by the Police, if it was not in accordance with law;

(IX) In case the Police Authorities were of the opinion that a situation has arisen to suspend the operation of the Club in exercise of the powers



conferred, they have to issue an order in writing. When there is no authority granted to the Police to issue an order of suspension orally, they are not entitled to pass such oral orders; and

(X) Before passing orders for the purpose of closure of the Club, in exercise of the powers conferred on the authorities, they should follow the principles of natural justice. The Club should be given an opportunity to submit their objections and if so desired, a further opportunity of personal hearing should also be given. No costs."

4.Applying the same analogy, the present writ petition is disposed of and the respondent police are directed to scrupulously follow the above guidelines.

5.With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// 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 Superintendant of Police,
Madurai District, Madurai.

2.The Inspector of Police
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.JANARTHANAN, Advocate (SR-1063[F] dated 19/01/2021)
W.P. (MD)No.319 of 2021
11.01.2021

PU(CO)

KB(02.02.2021) 3P 5C