



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13895 of 2021

Jai Recreation Club,
6/146, Idinthakal Pudur,
Kanchirangudi Village,
Keelakkarai-623 517,
Keelakkarai Taluk,
Ramanathapuram District,
Represented by its President
S.Mohamedkoya

... Petitioner

Vs.

1.The Superintendant of Police,
Office of the District Superintendant of Police,
Ramanathapuram District.

2.The Deputy Superintendant of Police,
Office of the Deputy Superintendant of Police,
Keelakkarai Sub Division,
Ramanathapuram District.

3.The Inspector of Police,
Keelakkarai Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, forbearing the respondents herein from in any manner interfering nor disturbing with the affairs of petitioner club namely Jai Recreation Club, Keelakkarai Taluk, Ramanathapuram District or its members right to avail the facilities provided for playing rummy not involving any element of gambling by considering the representation of the petitioner dated 20.07.2021.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



2. The petitioner is a registered Recreation Club. The petitioner wants this Court to restrain the respondents from interfering with their usual activities. My attention is drawn to the judgment reported in **2009 (4) CTC 264, Anandham Manamagil Mandram v. The Superintendant of Police and others.** In the said decision, the following directions were issued:

"(i) 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;

(ii) In the 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;

(iii) 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;

(iv) 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

(v) 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;

(vi) 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

(vii) 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."

3.This Writ Petition is disposed of on the same terms. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

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,
Office of the District Superintendant of Police,
Ramanathapuram District.
- 2.The Deputy Superintendant of Police,
Office of the Deputy Superintendant of Police,
Keelakkarai Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Keelakkarai Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

W.P (MD) No.13895 of 2021

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RD(6.01.2022) 3P 5C