



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.17090 of 2021

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Nature Green Recreation Club-Melakkal,
Rep.by its President,
C.Sundreswaran

... Petitioner

vs.

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

2. The Inspector of Police,
Kadupatti Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the second respondent herein from interfering with the lawful day to day activities of the petitioner's association without following the due process of law.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.T.Senthilkumar,
Additional Public Prosecutor

ORDER

This writ petition has been filed for forbearing the second respondent from interfering with the petitioner's lawful club activities. The learned counsel for the petitioner drew my attention to the order dated 30.09.2019 made in WP(MD)No.21025 of 2019. In the said case, a set of directions were issued.

2.Respectfully following the said order, I issue the following directions :

(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 petitioner 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.



3. Accordingly, this writ petition is disposed of.

Sd/-

Assistant Registrar (cs-II)

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/ /2021

Sub Assistant Registrar(CS)

skm

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 Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
Kadupatti Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-37517[F] dated 06/12/2021)

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USK (17.12.2021) 3P 5C