



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.11.2021**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20739 of 2021

and

W.M.P(MD)No.17351 of 2021

WEB COPY

Selvarasu

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District.

2.The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukottai District.

3.The Inspector of Police,
Arimalam Police Station,
Pudukottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent herein from interfering with the lawful day today activities of our association, namely, Sun Sports Society without following the due process of law on the basis of the representation, dated 12.11.2021.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.T.Senthil Kumar

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for forbearing the respondents from interfering the day to day running of the petitioner's society. When the matter was taken up hearing, learned Additional Public Prosecutor, on instructions, would submit when the respondent Police are not at all interfering in the petitioner's functioning.

2. Accordingly, the writ petition is disposed of with 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 the 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's Club frequently under the guise of inspection, as it would disturb the peace harmony of the petitioner's Club;



(IV) The petitioner and the members of the Club are entitled to carry on lawful activities within the 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 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 involved 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. This writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

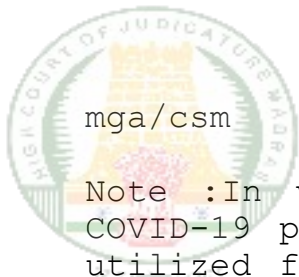
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



mga/csm

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,
Pudukottai District.

2.The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukottai District.

3.The Inspector of Police,
Arimalam Police Station,
Pudukottai District.

4. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.D. RAMESHKUMAR, Advocate (SR-35579[F] dated 23/11/2021

W.P (MD) No.20739 of 2021

and

W.M.P (MD) No.17351 of 2021

22.11.2021

TSK (CO)

KB(02.12.2021) 3P 6C