



WEB COPY

W.P(MD)No.22393 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.12.2021**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.22393 of 2021

and

W.M.P. (MDNo.18945 of 2021

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... Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District.

2.The Deputy Superintendent of Police,
Vedachandur,
Dindigul District.

3.The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul 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 Everest Creation Club without following the due process of law on the basis of the representation dated 16.11.2021.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.M.Veeranthiran

Government Advocate

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

<https://hcservices.ecourt.gov.in/hcservices/> 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. Consequently, connected miscellaneous petition is closed. No costs.

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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 Superintendent of Police,
Dindigul District.
- 2.The Deputy Superintendent of Police,
Vedachandur,
Dindigul District.
- 3.The Inspector of Police,
Gujiliyamparai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and

W.M.P. (MD) No.18945 of 2021

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SB(06.01.2022) 3P 5C