



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.5363 of 2022

SABARI MANA MAHIL MANDRAM,
NARANAMMALPURAM
Represented by its, Secretary, Subramanian,
A registered Society,
Registration No.SRG / Tirunelveli / 8 / 2022
No.18, Perumal Kovil Street,
Naranammalpuram Part - 2,
Tirunelveli Taluk,
Tirunelveli District - 627 357.

... Petitioner

Vs

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Thalaiyoothu,
Tirunelveli District.
- 3.The Inspector of Police,
Thalaiyoothu Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondents that to permit the petitioner's club namely, "Sabari Mana Mahil Mandram, Naranammalpuram", to open and function in its registered premises in D.No. 18, Perumal Kovil Street, Naranammalpuram Part-2, Tirunelveli Taluk, Tirunelveli District- 627 357 and consequently, forbear the respondents and its subordinate officials from interfering with the day -to-day activities of the petitioner's club without following the due process of law, by considering the petitioner's representation, dated 16.03.2022.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl.Side)



ORDER

The prayer in this writ petition is to direct the respondents to permit the petitioner's club, namely, "Sabari Mana Mahil Mandram, Naranammalpuram", to open and function in its registered premises in D.No. 18, Perumal Kovil Street, Naranammalpuram Part-2, Tirunelveli Taluk, Tirunelveli District- 627 357 and consequently, forbear the respondents and its subordinate officials from interfering with the day -to-day activities of the petitioner's club without following the due process of law, by considering the petitioner's representation, dated 16.03.2022.

2. The learned counsel for the petitioner submitted that the petitioner's Club is duly registered under the Tamil Nadu Societies Registration Act, 1975, its Registration No is SI.No.SRG / Tirunelveli / 8 / 2022 and having office in D.No.18, Perumal Kovil Street, Naranammalpuram Part-2, Tirunelveli Taluk, Tirunelveli District. It was started with an object to increase the participation of their members into supports activities by organizing various sports events. It also made all arrangements to its members for playing carom, chess, table tennis, volleyball, badminton and other indoor games. In these circumstances, the second and third respondents are obstructing the petitioner to opening the club. Therefore, the petitioner had approached the third respondent seeking permission to open the club.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents would submit that the petitioner's club was registered under the Tamil Nadu Societies Registration Act, 1975. They are conducting various programmes to entertain their members. Based on some reliable information, the respondent Police made a search in the Club. Apart from that, the petitioner has not obtained licence as per Section 3 of the Tamil Nadu Places of Public Resort Act, 1888. The learned Additional Public Prosecutor (Criminal Side) relied upon the order passed by this Court in ***W.P. (MD).Nos.5560 of 2018, etc., batch cases-[Mass Recreation Club-Shengottah represented by its Secretary Vs. The Superintendent of Police, Tirunelveli District, Tirunelveli and others]***, dated 13.07.2018, wherein, this Court held that the petitioner should necessarily get license from the Authority concerned under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888. The above order has been confirmed by the Division Bench of this Court in ***W.A. (MD).No.1017 of 2018, dated 31.07.2018***. The relevant portion of the judgment reads as follows:-

"3.We have recorded the reason for
dismissal of the Writ Petition. We find absolutely



no reason to differ. Informing that appellant has to obtaining necessary permission under Tamil Nadu Places of Public Resort Act, 1888 and on doing so, it would be open for the appellant Club to indulge in Rummy Card games and other recreation activities, other than those that what offend the Tamil Nadu Gambling Act, this Writ Appeal stands dismissed."

4. That apart, the learned Government Advocate (criminal side) appearing for the respondents has relied upon Section 34 of the Chennai City Police Act, 1888. Section 34 of the above said Act reads as follows:-

"34.Places of public resort to be licensed-(1)No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a licence from the Commissioner.

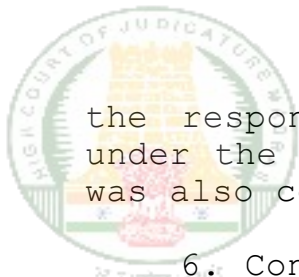
Provided that nothing contained in this Sub-Section shall apply to any Church, Temple, Mosque, or other place of worship.

(2)The Commissioner may, at the time of grant of a licence under Sub-Section (1) or at any time during the currency of any such licence, require any person, other than a local authority, applying for such licence or the holder of such licence, as the case may be, to deposit with the Commissioner in cash or in Government promissory notes for such sum, as may be prescribed as security for the due observance of the conditions of licence.

(3)Where there is breach or non-observance of the conditions of the licence granted under Sub-Section (1) the Commissioner may forfeit the security so deposited to the Government.

(4)The forfeiture of the deposit shall not be a bar for proceeding against the holder of the licence under the provisions of Section 76."

5. The main grievance of the petitioner is that, the petitioner is running a Club for the benefit of their members without violating any law, and they need not obtain any licence from any authority. But as per the Judgment relied upon by the learned Additional Public Prosecutor (criminal side) appearing for



the respondents, all the Clubs necessarily have to get license under the Tamil Nadu Places of Public Resorts Act, 1888, and which was also confirmed by the Division Bench of this Court.

6. Considering the above circumstances, without going into the merits of the case, I am inclined to issue a direction to the petitioner to approach the authority concerned, seeking for licence under Section 3 of the Tamil Nadu Places of Public Resort Act, 1888, as per the order passed by this Court in W.P.(MD).Nos.5560 of 2018, etc., batch cases, dated 13.07.2018 and, the petitioner is also directed to submit necessary application under Section 34 of the Madras City Police Act, 1888, before the competent authority, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the competent authorities are directed to pass orders on the application, within a period of six weeks thereafter.

7. If the concerned authorities granted license to the petitioner, the respondent police shall not interfere with the running to day-to-day activities of the club unless the petitioner's club involved in any illegal activities or members of the club causes disturbance to the general public.

8. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

// 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,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Thalaiyoothu,
Tirunelveli District.

3.The Inspector of Police,
Thalaiyoothu Police Station,
Tirunelveli District.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-14463[F] dated
25/03/2022)

W.P (MD)No.5363 of 2022

25.03.2022

PA(12.04.2022) 5P 6C