



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD)No.9210 of 2022

and

W.M.P. (MD) .No.6575 of 2022

WEB COPY

Friends Recreation Club,
rep. by its President,
Ramamoorthi,
S/o.Arumugam,
No.25C/1 Main Road,
Melakulavanigarapuram,
Palayamkottai,
Tirunelveli.

... Petitioner

Vs

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.
- 4.The Sub Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the undated impugned order received on 02.04.2022 in Na.Ka.No.109/Ku.Kaa.Ka/Tha Aa USA/Th.Ma/22 and quash the same and consequently, directing the respondents to permit the functioning of the petitioner's recreation club namely "Friends Recreation Club" at No.38, Moolaikaraipatti, Tirunelveli District, and permit the petitioner to avail the facilities provided for playing Rummy.

For Petitioner : Mr.J.Padhmaavathi Devi

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



ORDER

This writ petition has been filed to quash the undated impugned order received on 02.04.2022 in Na.Ka.No.109/Ku.Kaa.Ka/Tha Aa USA/Th.Ma/22 and consequently, to direct the respondents to permit the functioning of the petitioner's recreation club namely "Friends Recreation Club" at No.38, Moolaikaraipatti, Tirunelveli District, and permit the petitioner to avail the facilities provided for playing Rummy.

2. By consent, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The order impugned in the present writ petition is an information furnished by the Additional Deputy Superintendent of Police, wherein, it is stated that if the petitioner's club is permitted to facilitate his members for playing the game of Rummy, it would cause law and order problem in the vicinity. One of the purposes for which the police are posted in the jurisdiction, where the petitioner intends to run his recreation club is to handle situations, when such law and order problem may arise, and a mere apprehension of such problems, the rights of the petitioner to legally run a local club, cannot be infringed.

4. This court in various writ petitions have been passing orders by regulating the activities of the club for the purpose of playing game of Rummy. In one such order of the Honourable Division Bench of this Court passed in the case of **W.A.No.2287 of 2011, dated 22.03.2012 (The Director General of Police, State of Tamil Nadu, Chennai Vs. Mahalakshmi Cultural Association)**, the Honourable Division Bench had imposed certain conditions regulating the activities of a similar club.

5. This Court is of the view that the same directions can be adopted in the present case also. Accordingly the conditions imposed in the case of **Mahalakshmi Cultural Association** as referred to supra shall be adhered to by the respondents, which reads as follows :

"(i). The respondent-Association shall not indulge in any activity by allowing its members or the guest to play rummy (13 cards) with stakes and make profit or gain.

ii). The Police are entitled to take action in the event any illegal activity is carried on in the association premises.

(ii) .In respect of the FIR registered by the Police against those 56 persons and others who were said to have indulged in illegal gambling activity as per the raid conducted on 10.08.2011, it is open to the Police to proceed further as per law and it is for the Association, its members and their



guests to defend the same in the manner known to law, as the criminal action was initiated after a valid raid conducted on 10.08.2011 by the Police.

4.The police shall not disturb the respondent-Association frequently under the guise of inspection without there being any reliable information as to the illegal activities of the association or its members or the guests."

6. In the light of the above observations, the undated impugned order passed in Na.Ka.No.109/Ku.Kaa.Ka/Tha Aa USA/Th.Ma/22 is quashed and accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp/vsg

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,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.
- 4.The Sub Inspector of Police,
Moolaikaraipatti Police Station,
Moolaikaraipatti,
Tirunelveli District.



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

+1 CC to M/s.J. PADHMAVATHI DEVI, Advocate (SR-23563[F] dated
09/05/2022)

W.P. (MD)No.9210 of 2022

and

W.M.P. (MD) .No.6575 of 2022

06.05.2022

MGJ(19.05.2022) 4P 7C