



W.P(MD)No.12925 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.12925 of 2022

and

W.M.P(MD) Nos.9178, 9181 and 9183 of 2022

K.A.Venkateshwaran
Secretary,
Sourashtra Recreation Club,
No.6, Mariamman Teppakulam East Street,
Madurai – 625 009.

...Petitioner

Vs.

1. The Home Secretary,
St. George Fort,
Chennai.
2. The Commissioner of Police,
Madurai City,
Madurai.
3. The Inspector of Police,
Law and Order,
B3, Teppakulam Law and Order Police Station,
Madurai City.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in C.No.20785/V4/117/2021, dated 01.06.2021 on the



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file of the second respondent and quash the same as illegal, ultra vires and without jurisdiction and consequently direct the second respondent to renew the license No.V4/RC-05/2020 in the name of “Sourashtra Club” at the premises No.6, Mariamman Teppakulam East Street, Madurai.

For Petitioner : Mr.S.Ramesh
For R2 & R3 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records in C.No. 20785/V4/117/2021, dated 01.06.2021 on the file of the second respondent and quash the same as illegal, ultra vires and without jurisdiction and consequently direct the second respondent to renew the license No.V4/RC-05/2020 in the name of “Sourashtra Club” at the premises No.6, Mariamman Teppakulam East Street, Madurai.

2. The learned counsel for the petitioner submitted that the petitioner is a recreation club registered under Societies Act., and the title holder of the property. The second respondent- the Commissioner of



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Police, Madurai City refused to renew the license mentioning the pendency of W.P(MD) No.20566 of 2020, W.P(MD) No.19092 of 2015 filed by the petitioner's club and W.P(MD) No.9220 of 2015 filed by one Mayakannan against the petitioner's club pending before this Court. He further submitted that two writ petitions are unconnected with the renewal of license and another writ petition had not filed for objection of renewal of license. In these circumstances, two writ petitions filed by the petitioner's club pending before this Court is unsustainable and pleaded to set aside the impugned order.

3. The learned Government Advocate appearing for the respondents 2 and 3 submitted that the petitioner has already filed two writ petitions and that was unconnected with the renewal of license to the petitioner's club. So, the impugned order may be set aside.

4. I have considered the submission made by the learned counsel appearing on either side.



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5. On perusal of the records, the fact reveals that the petitioner filed an application before the second respondent for renewal of recreation club license No.V4/RC-05/2020 in the name of “Sourashtra Recreation Club” at the premises No.6, Mariamman Teppakulam East Street, Madurai. The said application was considered by the Commissioner of Police as per Section 34 of City Police Act, 1888. Based on the field verification reports, office notice in C.No. 20785/V4/117/2021, dated 30.10.2021 has been issued to the applicant stating certain lapses and with advice to submit written explanation for the lapses mentioned therein. Further, the records reveals that the second respondent obtained the report of verification. In the explanation dated 27.11.2021, the applicant has stated that he has rectified the lapses mentioned in the above said notice and requested to grant license for the said Recreation Club. Based on the explanation, the field verification report, Police officers were instructed to organize the verification once again, vide office memorandum in C.No.20785/V4/117/2021, dated 21.12.2021. As such, the extract of the field verification reports reveals that the above Recreation Club is still running with the following lapses. The writ petitions in W.P(MD) No.20566 of 2020, W.P(MD) No.19092



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of 2015 filed by the petitioner's club and W.P(MD) No.9220 of 2015 filed by one Mayakannan against the petitioner's club are pending before this Court. Further, two writ petitions are unconnected with renewal of license another writ petition was not filed any objection for renewal of license. In these circumstances, two writ petitions filed by the petitioner's club pending before this Court is unwarranted and unsustainable. Hence, the impugned order is liable to be set aside.

6. Accordingly, this Writ Petition is allowed and the second respondent is hereby directed to consider the petitioner's application to renew the license No.V4/RC-05/2020 in the name of “Sourashtra Recreation Club” and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index :Yes/No
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To

1. The Home Secretary,
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Chennai.
2. The Commissioner of Police,
Madurai City,
Madurai.
3. The Inspector of Police,
Law and Order,
B3, Teppakulam Law and Order Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

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