



W.P.No.28749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.28749 of 2023

&

WMP.No.28324 of 2023

M/s. Mithra Resorts & Club (P) Ltd.,
represented by its Director
V.Vinoth Kumar,
No.1,2,3, 287/2, Anna Pathai,
Perur Main Road, Vaikkal Palam,
Coimbatore 641 010.

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Petitioner

Vs.

1. The Commissioner of Police &
Additional District Magistrate,
Coimbatore City,
Coimbatore.
2. The Inspector of Police,
D2, Law & Order Police Station,
Selvapuram, Coimbatore District.

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Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the records relating to



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the impugned proceedings passed in C.No.V4/38563/2022, dated 26.08.2023 on the file of the 1st respondent herein, quash the same.

For Petitioner : Mr. K.Govi Ganesan

For Respondents: Mr.S. Udaya Kumar,
Govt. Advocate for R1

ORDER

The petitioner herein, being aggrieved by the proceedings of the Commissioner of Police, Coimbatore City dated 26.08.2023 cancelling the club licence issued to it, is before this court seeking to quash the impugned cancellation order.

2. From the materials placed along with the writ petition, this court finds that earlier, the petitioner has approached this court by way of filing W.P.No.9250 of 2019 seeking for a Mandamus to forbear the respondent police from interfering with the day-to-day affairs of the petitioner's club without any reasonable basis, including conducting lawful cultural and recreational activities in the premises bearing D.No.286, Annapathai,



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Vaikkalpalam, Perur Main Road, Coimbatore District. That s Writ Petition was allowed by this Court vide order dated 27.08.2019. Since then, the petitioner is running the club in the abovesaid premises. Whiles, on 19.06.2023, the Commissioner of Police has issued a showcause notice as to why the licence should not be cancelled in view of recovery of cash and playing cards during the search conducted in the club premises on 24.12.2022, resulting in registration of a case in Cr.No.348 of 2022 under sections 8 and 9 of Tamilnadu Gambling Act, 1930. To the said show cause notice, the petitioner has replied by stating that the currency of Rs.1,29,015/- which was seized during the raid was not the betting money, but the personal money of the three members and there was no prohibited gambling activity conducted in the premises. After affording an opportunity and getting explanation to the showcause notice, the impugned proceedings has been passed.

3. Though, it is contended by the petitioner that the case registered in Cr.No.348 of 2023 is false case and nothing incriminating was recovered



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during the raid, the impugned order has been passed after lawful search conducted in the premises and recovery of playing cards, money and the statements of the three persons in the premises during the search and seizure. In the FIR, it has been stated that gambling took place and money along with playing cards used for gambling were seized by the police. Since it is violation of Rule 33(12) r/w.33(14) of Rules issued u/s.36 and 39 of the Chennai City Police Act, 1888, show cause notice was issued by the 1st respondent to cancel the licence issued to petitioner. The explanation to the show cause notice not being satisfactory, the impugned order has been passed. In view of the above, this court finds no violation of natural justice principle or non adherence to rule and Act.

4. The permission granted to run the club is only to conduct lawful activity like cultural and recreational activities, but not gambling. Here a case has been made out against the petitioner that the club premises has been used for prohibited gambling activity and currency along with playing cards were recovered.



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5. The contention of the petitioner that the club is being functioning for more than 19 years with good reputation and due to violation committed by three members, licence for the club cannot be cancelled does not carry any merit. The petitioner, as a person responsible and holder of the licence, ought to have ensure that the premises should not be used for conducting any illegal activity. Having found that the club premises used for illegal activities namely gambling money, the impugned order cancelling the licence of petitioner is proper action and its legality cannot be questioned. Hence, this writ petition is dismissed. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

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DR. G. JAYACHANDRAN, J.

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