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W.P.No.33809 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33809 of 2017
and
W.M.P.No.37467 of 2017

J.P.M.Sports Association,
Regn. No.155/2011,
Rep by its President,
P.Duraisamy,
S/o.Perumal, No.1/77, Jagir Periyamottur,
Mamangam Post, Salem- 636 302.

...Petitioner

-Vs-

1. The Commissioner of Police,
Salem City, Salem.
2. The Deputy Commissioner of Police,
Salem City, Salem.
3. The Assistant Commissioner of Police,
Salem West, Suramangalam.
4. The Inspector of Police,
Suramangalam Police Station,
Suramangalam, Salem.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents herein from prevent the members of the petitioner's Association playing the



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game of Rummy along with Carom Board, Table Tennis, Chess at No.1/77,
Jagir Periyamottur, Mamangam Post, Salem-636 302.

For Petitioner : C.Prakasam

For Respondents : Mr.T.Arun Kumar

ORDER

The relief sought in the present writ petition is to forbear the respondents from preventing the members of the petitioner/association playing the game of Rummy, along with Carom Board, Table Tennis, Chess at No.1/77, Jagir Periyamottur, Mamangam Post, Salem-636 302.

2.The petitioner is J.P.M.Sports Association. The members of the petitioner/association are actively taking part in recreation activities and social services. They are attending the association and participating in the indoor games like Chess, Carom Board, Table Tennis, playing cards, particularly rummy, which are being played by the members only for the recreation purpose and not based on any betting or otherwise.

3.The grievance of the writ petitioner is that the Police Officials are frequently visiting the premises of the petitioner club and causing trouble



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unnecessarily. Thus, the petitioners are constrained to move the present writ petition.

4.This Court has elaborately considered the issue relating to surprise inspections by the Police Officials in such recreation clubs in WP.No.42735 of 2016 dated 24.09.2021. The relevant paragraphs are extracted hereunder:

10. Registrar may on his own notion or on an application, is empowered to inquire into the affairs of the registered society under Section 36 of the Societies Registration Act. Section 37 stipulates 'Cancellation of Registration'. When an inquiry has been held under section 36 of registration, the registrar may, if he is satisfied—

(a) that the registered society has contravened any of the provisions of this Act or the rules made thereunder; or

(b) that the registered society is insolvent, or must necessarily become so ; or

(c) that the business of any such registered society is conducted fraudulently or not in accordance with the bylaws or the objects specified in the memorandum filed with the Registrar under section 6, after giving in such manner, as he thinks fit, previous notice in writing to the



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registered society, specifying briefly the grounds of the proposed cancellation and after giving an opportunity to the registered society to show cause why the cancellation should not be made, cancel the registration of the registered society, and communicate the order of cancellation forthwith to the registered society by registered post.

11. Section 38 contemplates Cancellation of a Registration of Society and the said provision reads as under:

“(1) If it appears to the Registrar that any registered Registration society is carrying on any unlawful activity or allows unlawful activity to be carried on within any premises under the control of the society, the Registrar may hold an enquiry into the activities of such society, and in respect of every such enquiry, the Registrar shall have the same powers as are specified in sub-sections (6), (7) and (8) of section 36.

(2) If on an enquiry under sub-section (1), the Registrar is satisfied that any such society has been carrying on any unlawful activity or has allowed any unlawful activity to be carried on within any premises under the control of the society, he shall, after giving reasonable notice to the society to show cause why the registration of the society should not be cancelled and after considering the representations, if any, made on behalf of the society, by order cancel the registration of the society. The Registrar shall



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communicate the order of cancellation forthwith to the registered society.”

12. The above provisions of the Tamil Nadu Societies Registration Act, 1975 is unambiguous and appropriate actions are required in respect of the societies, which all are violating the provisions of the Act.

13. The common complaints against the Registration Department in the public domain is that the Department is, not conducting inspections periodically nor initiating any action for cancellation of Registration, even though unlawful and illegal activities are visible in many such societies across the State of Tamil Nadu. Therefore, the Head of the Department has to issue necessary instructions to all the authorities to ensure that the inspections are conducted by the Registration Department in respect of the societies registered, verify their records, credentials etc., and if any illegality or unlawful activities are noticed, then initiate further action under the provisions of the Societies Registration Act for cancellation of Registration. Once, the Registration is cancelled by following the procedures as contemplated, then the Police authorities must ensure that such a societies are not being conducted thereafter.



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14. Large scale allegations are noticed by the Police authorities. Frequently, they are registering cases against such Clubs and societies across the State of Tamil Nadu. However, the Registration Department remains as a silent spectator, despite the fact that many such criminal cases are filed. The said conduct of the department officials stand deprecated. They are bound to act in such circumstances in the manner prescribed and ensure that the public order is maintained and they co-operate with the actions initiated by the Police authorities. However, it is not happening and the Police authorities are registering criminal cases and the trial is going on for several years and these Clubs are continuing their unlawful activities continuously. This being the manner, in which, the law enforcing authority function, then this Court is of the opinion that the Department officials are to be pulled for their inactions and lackadaisical approach in initiation of action against such illegal activities.

5. Based on the orders passed by this Court, the Director General of Police, Tamil Nadu, issued a circular in RC No.008189/Crime 4(3)/2021, dated 21.10.2021. In view of the said circular, the respondents are at liberty to conduct inspections in all such recreation clubs and if any illegalities or offences are noticed, then all appropriate actions are to be initiated.



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6. However, the petitioners are permitted to continue their lawful sports activities in the manner contemplated under the law. The relief sought to forbear the respondents cannot be granted by this Court since it is their public duty to conduct such inspections in clubs and in public places including the recreation clubs to maintain law and order in the society.

7. Accordingly, the writ petitions stands **disposed of**. No costs. Consequently, the connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

21.03.2023

To

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Salem City, Salem.
2. The Deputy Commissioner of Police,
Salem City, Salem.
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S.M.SUBRAMANIAM. J.,

(sha)

4. The Inspector of Police,
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