



W.P(MD)No.370 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.370 of 2023

N.Chandramohan

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Mukkulam Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to interfere in any manner with the day - to -day activities of the petitioner's club without following the due process of law.

For Petitioner : Mr.M.S.Senthil Kumar

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

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The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus the respondents not to interfere in any manner with the day - to -day activities of the petitioner's club without following the due process of law.

2.The facts in brief:

'Freedom Recreation Club' is registered under the provisions of Tamil Nadu Societies Registration Act, dated 21.11.2022 and it is started functioning from the date itself. There are about 40 members in association. The main object is to encourage its members' sports activities among the children of the association members and develop their sports skills. In this circumstances in the first week of December 2022, the second respondent entered into the association, created trouble and interfered into the recreation activities. Even though the petitioner given undertaking to the effect that they will not indulged any unlawful activities, the second respondent causing hindrance by making regular visit to the Club. Therefore, seeking writ of Mandamus directing the second respondent not to interfere into the activities of the club, this petition has been filed.



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3.Heard both sides.

4.Only the above said club has been registered under the Provisions of Tamil Nadu Societies and Registration Act, 1975. But, so far as licence from the competent authority, as per the provisions of Tamil Nadu Places of Public Resort Act, 1988, as mended periodically, proper licence is not obtained from the competent authority so far. Only a representation has been made to the respondents seeking permission to open the above said Club in the new place.

5.Section 4 of the Act reads as under.

“4.When any person desires to obtain a licence to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in Section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or



temporary, and the purpose for which, it is proposed to be used.”

6.As per the above said section proper licence must be obtained by the petitioner. Section 5 speaks about the presenting of the application. Section 6 speaks about the procedure to be adopted.

7.Section 4-A of Tamil Nadu Act 54 of 1981 lays down certain conditions which reads as follows:

“4-A Conditions subject to which licence may be granted. - Notwithstanding anything contained in this Act or in any other law for the time being in force, no application for licence under Section 4 shall be entertained unless the following conditions are complied with by the applicant, namely:-

(a) the applicant shall give an undertaking in writing to the authority or officer referred to in section 5 that the enclosed place or building shall not be used for the purpose of displaying any indecent or obscene play or dance or other like performance or for the activities such as ring-throwing, arrow or pin-throwing or any other activity of a gambling nature as may be prescribed



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by the State Government in this behalf;

(b) the applicant shall, in the undertaking referred to in clause (a), agree to abide with the provisions of the law relating to the maintenance of law and order and decency in public places;

(c) the applicant shall along with the undertaking referred to in clause (a) also furnish a security deposit for such sum as specified in the Schedule and in such manner as may be prescribed by the State Government in this behalf, for the due observance of the terms and conditions laid down in the said undertaking or the licence to be granted and in the event of non-compliance with any of the terms and conditions of the said undertaking or licence, the sum so deposited as security deposit shall be forfeited to the State Government;

Provided that no such forfeiture of the security deposit shall be made unless the applicant had been given a reasonable opportunity of being heard:

Provided further that the forfeiture of the security deposit under this clause shall not be a bar for proceeding against the holder of the licence under the provisions of Section 9.”



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8. So reading of the amendment Act also shows that proper application must be presented by the petitioner. So far no such application has been presented.

9. Let the petitioner file proper application before the concerned authority, within a week from the date of receipt of a copy of this order. Here the concerned authority is the District Collector. On such receipt of the application, the concerned authority shall consider the same and dispose of it on its own merits and in accordance with law, within a period of **fifteen days** from the date of receipt of the application from the petitioner.

10. With the above said directions, this writ petition stands disposed of. No costs.

12.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
TM

To

1. The Superintendent of Police, Virudhunagar District, Virudhunagar.

2. The Inspector of Police, Mukkulam Police Station, Virudhunagar District.

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G.ILANGOVA, J

TM

Order made in
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Dated :12.06.2023