



W.P(MD)No.4658 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.4658 of 2023

Moon Recreation Club,
represented by its President,
Raja,
Hotel Sun Towers,
No.2/387, Gandhiji Nagar,
Aathupalam, Paramakudi Taluk,
Ramanathapuram District – 623 707.

... Petitioner

Vs.

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

2.The Deputy Inspector of Police,
Paramakudi, Ramanathapuram District..

3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District..

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to that to permit the petitioner to open and run the club namely, MOON RECREATION CLUB in the place in Hotel Sun Towers, No. 2/387, Gandhiji Nagar, Aathupalam, Paramakudi Taluk,



W.P(MD)No.4658 of 2023

Ramanathapuram District 623 707, and consequently to forbear the respondents and its subordinate officials from interfering with the day-today activities of the petitioners club, by considering the petitioners representation dated 27.02.2023 within the time limit, stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The writ petitioner filed this Writ Petition, to direct the respondents to permit the petitioner to open and run the club namely, MOON RECREATION CLUB in the place in Hotel Sun Towers, No. 2/387, Gandhiji Nagar, Aathupalam, Paramakudi Taluk, Ramanathapuram District 623 707, and consequently to forbear the respondents and its subordinate officials from interfering with the day-today activities of the petitioners club, by considering the petitioners representation dated 27.02.2023 within the time limit, stipulated by this Court.



W.P(MD)No.4658 of 2023

2.The facts in brief:

WEB COPY

The club called MOON RECREATION CLUB, was registered under the provisions of Tamil Nadu Societies Registration Act, 1975. The main purpose or object of the above said association is to promote sports and games among the members and the public. Later, it was shifted to Door No.14, Aranmanai West Street, Ramanathapuram. So the representation was made to the respondent on 27.02.2023, seeking permission to open the Club and conduct the business. But, so far, no such permission has been granted. Therefore, the petitioner has come forward with this petition.

3.Heard Both sides.

4.The association is registered under the Provisions of Tamil Nadu Societies 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 representation has been made to the respondents seeking permission to open the above said Club in the new place.



W.P(MD)No.4658 of 2023

WEB COPY

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 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



WEB COPY



W.P(MD)No.4658 of 2023

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.”

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.



W.P(MD)No.4658 of 2023

WEB COPY

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

12.04.2023

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

To

1. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram..
2. The Deputy Inspector of Police,
Paramakudi, Ramanathapuram District..
3. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.4658 of 2023

G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.4658 of 2023

Dated :12.04.2023