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Crl.O.P.(MD)No.10761 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.10761 of 2023

Sivasanmugavel

... Petitioner

Vs.

State rep. by

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

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent to not to harass the petitioner based on the petitioner's representation dated 09.06.2023.

For Petitioner : Mr.D.Arunkumar

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the 2nd respondent to not to harass the petitioner based on the petitioner's representation



dated 09.06.2023.

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2.The facts in brief:

The petitioner desires of opening a Club in the name and style of 'Mathavaa Recreation Club', with an objective to promote indoor and outdoor games among the members of the club and public. The above said club was registered under the provisions of Tamil Nadu Societies Registration Act, 1975 and other formalities for the above said building is also applied. But the respondents came to the club and asked to give the details of the club. While the petitioner gave all the details to the respondents, they warned them not to run the club without proper permission. The petitioner also informed the respondents that they are not engaged in any illegal activities. But, however, threat was made by the respondents to close the club. So this petition has been filed.

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.

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 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



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petitioner.

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

19.06.2023

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

To

1. The Superintendent of Police,
Dindigul District,
Dindigul.
2. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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