



W.P(MD)No.14705 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.14705 of 2023

Ulavan Manamagil Mandram

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Usilampatti,
Madurai.

3.The Inspector of Police,
Uthamapalayam Police Station,
Madurai.

... 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 to consider the petitioner representation, dated 09.05.2023, and directing the respondents not to interfering any way the petitioner Recreation Club frequently under the guise of inspection without there being any reliable information as to the illegal activities of the club or its members or its guests.



W.P(MD)No.14705 of 2023

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing directing the respondents to consider the petitioner representation, dated 09.05.2023, and directing the respondents not to interfering any way the petitioner Recreation Club frequently under the guise of inspection without there being any reliable information as to the illegal activities of the club or its members or its guests.

2.The facts in brief:

'Ulavan Manamahil Mandram' is registered under the provisions of Tamil Nadu Societies Registration Act, dated 17.02.2023 and it is started functioning from the date itself. There are about 11 members in association at present. The main object is to encourage its members' sports activities among the children of the association members and involving other social good activities. In this circumstances the second respondent causing hindrance by making frequent inspection to



W.P(MD)No.14705 of 2023

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.

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 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



WEB COPY



W.P(MD)No.14705 of 2023

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.

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

22.06.2023

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



W.P(MD)No.14705 of 2023

To

- 1.The Superintendent of Police,
Madurai District,
Madurai.
- 2.The Deputy Superintendent of Police,
Usilampatti,
Madurai.
- 3.The Inspector of Police,
Uthamapalayam Police Station,
Madurai.



WEB COPY



W.P(MD)No.14705 of 2023

G.ILANGOVA, J

TM

Order made in
W.P(MD)No.14705 of 2023

Dated :22.06.2023