



W.P.(MD)No.20089 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:27.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

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Senthur AC Recreation Club,
Rep. by its Secretary,
Mr.K.Sekarpandian

... Petitioner

Vs.

1. The Superintendent of Police (Rural),
Tenkasi, Tenkasi District.
2. The Deputy Superintendent of Police,
Sankarankovil, Tenkasi District.
3. The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents and their subordinates or any other official from any manner interfering or disturbing with the day-to-day affairs of the petitioner Senthur AC Recreation Club in playing indoor games like rummy 13 cards, carom



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board, badminton, chess and other games which does not have any element of gambling at the premises of petitioner's club situated at No. 121/3, First street, Thiruvudaiyan Road, Sankarankovil, Tenkasi District.

For Petitioner : Mr.J.Karthick

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This petition is seeking for a mandamus to the respondents police forbearing them interfering or disturbing with the day-to-day affairs of the Senthur AC Recreation Club in playing indoor games like rummy 13 cards, carom board, badminton, chess and other games, which does not have any element of gambling at the premises of petitioner's club situated at No.121/3, First street, Thiruvudaiyan Road, Sankarankovil, Tenkasi District.

2. It is submitted by the learned counsel for the petitioner that the petitioner club has been registered as a Society under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975) with registration No.44/2019 and the club has a membership of various



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sections of people. For the welfare of the members of the club, indoor games like rummy, carom, chess and badminton etc. are being arranged by the petitioner club. The petitioner's club allows the members to play rummy without any violation of the Tamil Nadu Gaming Act, 1930 and other relevant provisions of law.

3. The contention of learned counsel for the petitioner is that the second respondent police has registered a false case in Crime No.187 of 2023 for the offences under Sections 8 and 12 of the Tamil Nadu Gaming Act, 1930, alleging that the petitioner club has permitted the unauthorized persons to the club for an unlawful gambling. In that connection the third respondent has locked and sealed the club. Learned counsel for the petitioner further submitted that since final report of the said case has not been submitted so far by the respondent police, the petitioner club will challenge the same in the manner known to law. It is further sated that the petitioner club sent a representation dated 10.08.2023 to the first respondent police and since no action was taken from the respondent police, the petitioner is constrained to file the present writ petition sought for issuance of suitable directions.



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4. Learned Government Advocate (Crl. Side) on the other hand submits that the respondents police have not interfered in any manner as alleged by the petitioner and prays for dismissal.

5. The petitioner has cited orders of this Court in W.P.No.30655 of 2016 dated 02.09.2016 between ***Muthur Kongu Friends Recreation Club v. The Superintendent of Police, Tiruppur District***, wherein, this Court held as under:-

"7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the respondents 1 to 3 as to the harassment meted out to them and the 2nd respondent, on receipt of the same, is directed to consider the said representation in the light of the above cited order and pass orders within a period of four weeks from the date of receipt of such representation from the petitioner and communicate



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the decision taken, to the petitioner "

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6. In the case on hand, it is alleged by the petitioner even though the petitioner has not indulged in any illegal activities, the respondents police have been raiding the club thereby interfering in the normal functioning of the club. The respondents police on the other hand submitted that the police will not interfere with the Club as long as the petitioner club run the same without any illegal activities and in case if they get any tip-off in respect of illegal activities, they will follow the procedure and take action.

7. The petitioner's club is required to follow the conditions of licence and also the statutory provisions and rules made under the Gaming Act. Merely because the petitioner's club is being run by reputed persons and that they have got a licence to run the club, it does not mean that they can violate any rules or provisions of the Act. The petitioner herein is asking for a blanket order forbidding the police to entering the club and for making surprise check. The primary duty of the police is to investigate the offences but at some time, the other important duty of the



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police is to see the offences are prevented. As a part of their routine duty, the police are expected to enter premises not only the petitioner's club and surprise them to see whether illegal activities are going on. Entering the premises by the police cannot be treated as a stigma on the club, as Police are required to protect lives and properties of the citizen. If this kind of order sought for by the petitioner and it if is given, it amounts to giving a licence to the petitioner club to do any illegal activities even then police will not able to enter into their premises. Therefore, as a part of the duty, the police are expected to visit various clubs and other premises to avert any untoward incidents or illegal activities. Therefore, the blanket order as sought for by the petitioner club cannot be given, however, at the same time, under the guise of visiting the club in order to ensure that the laws are being implemented, the police cannot do over acting and disturb the privacy of the members of the club. Whenever any information is received by the police, the police are expected to follow the procedure scrupulously and surprise the premises by following due process established under law. It is reported by the learned Public Prosecutor that the keys of the clubs were already handed over to the petitioner.



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WEB COPY 8. With these observations, this writ petition stands disposed of.

No costs.

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

PKN/mvs.

To

1. The Superintendent of Police (Rural),
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2. The Deputy Superintendent of Police,
Sankarankovil, Tenkasi District.
3. The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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