



**W.P(MD)No.24174 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:16.11.2023**

**CORAM :**

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

**W.P(MD)No.24174 of 2023**

Win Recreation Club,  
(Reg.No.Srg/madurai North/118/2022), Door  
No.2 Kalaimagal Nagar, Thirumokoor (Via), Y.  
Othakadai, Madurai North Taluk, Madurai District - 625107  
... Petitioner

**Vs.**

- 1.The Superintendent of Police,  
Madurai District, Madurai
- 2.The Deputy Superintendent Of Police,  
Oomatchikulam, Madurai District.
- 3.The Inspector of Police,  
Othakadai Police Station, Madurai 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 consider the petitioner's representation dated 03.08.2023 and consequently direct the respondents to allow the Win Recreation Club (Registration No.SRG/Madurai North/118/2022) situated at Door No.2 Kalaimagal Nagar Thirumokoor (Via) Y.Othakadai Madurai North



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Taluk Madurai District for functioning.

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For Petitioner : Mr.S.Pakalavan

For Respondents : Mr.M.Sakthi Kumar  
Government Advocate (Crl. Side)

### **ORDER**

The writ petitioner filed this Writ Petition for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.08.2023 and consequently direct the respondents to allow the Win Recreation Club (Registration No.SRG/Madurai North/118/2022) situated at Door No.2 Kalaimagal Nagar Thirumokoor (Via) Y.Othakadai Madurai North Taluk Madurai District for functioning.

#### **2.The facts in brief:**

The petitioner running a Club in the name and style of 'Win 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. The petitioner has submitted application seeking change of address. In the meantime, the second respondent and his men visited the



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Club and making repeated enquiries, causing disturbances and harassing the members and guests. There is no gambling or betting involved in the indoor games. The petitioner assured that they do not do anything which are illegal and prohibited under law. Therefore, the petitioner has come forward with this petition.

3.Heard both sides.

4.The said club has been registered only under the Provisions of Tamil Nadu Societies and Registration Act, 1975. But, so far licence from the competent authority, as per the provisions of Tamil Nadu Places of Public Resort Act, 1988, as amended periodically, proper licence is not obtained from the competent authority. 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*



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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



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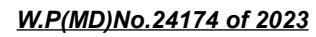
heard:

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.

10. With the above said directions, this writ petition stands



**16.11.2023**

Internet : Yes/ No

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To

- 1.The Superintendent of Police,  
Madurai District, Madurai
- 2.The Deputy Superintendent Of Police,  
Oomatchikulam, Madurai District.
- 3.The Inspector of Police,  
Othakadai Police Station, Madurai District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.ILANGO VAN, J**

TM

**Order made in**  
**W.P(MD)No.24174 of 2023**

**Dated :16.11.2023**