



W.P(MD)No.24321 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.24321 of 2023

M/s.Access Recreation Club,
(Registration No.SRG-Periyakulam 83/22),
No.1032/7, Nandagopalan Car Street,
Kottur Village, Theni Taluk and District.
Represented by its Secretary
R.Sethupathi, S/o.Ramar,
Residing at Kaliamman Kovil Street,
Kottur, Theni Taluk,
Theni District.

... Petitioner

Vs.

- 1.The District Collector,
Office of The District Collector,
Theni District,
Theni.
- 2.The Superintendent of Police,
Office of The Superintendent of Police,
Theni District,
Theni.
- 3.The Deputy Superintendent of Police,
Office of The Deputy Superintendent of Police,
Theni Circle,
Theni District.



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4.The Inspector of Police,
Palanichettipatti Police Station,
Palanichettipatti,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction, more fully in the nature of a Writ of Mandamus directing the respondents herein not to interfere with the day to day affairs of Petitioner's Recreation Club namely M/s.Access Recreation Club and its members to avail the facilities for playing the Indoor Games like Chess, Caroms, Rummy without stakes by considering Petitioner's representation dated 05.06.2023 and 24.07.2023 within the time stipulated by this Court.

For Petitioner :Mr.R.Mahendran

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

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents herein not to interfere with the day to day affairs of Petitioner's Recreation Club namely M/s.Access Recreation Club and its members to avail the facilities for playing the Indoor Games like Chess, Caroms, Rummy without stakes by considering Petitioner's representation dated 05.06.2023 and 24.07.2023 within the time stipulated by this Court.



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2.The facts in brief:

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The petitioners are running a club called Access Recreation Club, which has also obtained proper licence from the Government. They already got proper permission for playing the indoor games such as chess, caroms and 13 card rummy. Moreover, the right of enquiry into the recreation club is available only to District Superintendent of Police. Neither the Inspector of Police nor the Sub Inspector have any right to make such an entry. Since frequent trouble has been made by the police, this petition has been filed seeking writ of Mandamus.

3.Heard both sides.

4.The above said club is registered only 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 amended periodically, proper licence is not obtained from the competent authority so far.



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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



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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.



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

31.10.2023

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

vsg

To

1. The District Collector,
Office of The District Collector,
Theni District, Theni.
2. The Superintendent of Police,
Office of The Superintendent of Police,
Theni District, Theni.
3. The Deputy Superintendent of Police,
Office of The Deputy Superintendent of Police,
Theni Circle,
Theni District.
4. The Inspector of Police,
Palanichettipatti Police Station,
Palanichettipatti,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

vsg

Order made in
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Dated 31.10.2023