



W.P.No.7108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7108 of 2024

SMK Sports Club,
Rep. by its General Secretary,
Thiru R.Chandrasekaran,
Having Registered Office at
D.No.3/363, Jai Water Garden
Pudur, Kumaramanghalam,
Tiruchengode Taluk,
Namakkal District.

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Tiruchengode,
Namakkal District.

3.The Inspector of Police,
(Rural Police Station),
Tiruchengode,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the peaceful administration and functioning of the petitioner's association with lawful activities in the premises of D.No.3/363, Jai



W.P.No.7108 of 2024

Water Garden, Pudur, Kumaramangalam, Tiruchengode Taluk,
Namakkal District.

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For Petitioner : Mr.M.Sriram

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed forbearing the respondents from interfering with the peaceful administration and functioning of the petitioner's association with lawful activities in the premises of D.No.3/363, Jai Water Garden, Pudur, Kumaramangalam, Tiruchengode Taluk, Namakkal District.

2.It is the case of the petitioner that petitioner Association was formed during December 2023 and the same was registered under the Tamil Nadu Societies Registration Act on 20.12.2023 bearing Registration No.SRG/Namakkal/137/2023 with the objective of promoting cultural and sporting activities to the Members and Association.

3.It is the further case of the petitioner that they used to arrange indoor games for the welfare of the members and without any rhyme or



reason, the respondents have interfered with peaceful functioning of the petitioner's Sports Club under the guise of suspicion only to threaten the members and hence, the petitioner has come forward with this writ petition.

4.Learned counsel appearing for the petitioner, on instructions, would submit that no illegal or unlawful activities take place while conducting business activities and therefore, the respondents cannot interfere with the business activities. Learned counsel also draw the attention of this Court to the order dated 28.04.2015 made in W.P.No.12817 of 2015, wherein, this Court has taken into consideration the common order dated 09.12.2014 made in W.P.Nos.24629 of 2014 etc. batch (*Masti Health and Beauty Private Limited Vs. Commissioner of Police, Chennai* reported in *2015 1 MLJ 308*) and prays for similar orders.

5.The learned Additional Public Prosecutor for the respondents submit that the club is not functioning and that there are no complaint pending against the petitioner club.



6.Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents.

7.It is relevant to extract paragraph 67 of the order in ***Masti Health and Beauty Private limited*** case (cited supra), which reads as follows:

"67. In the light of the above, all the writ petitions are disposed of to the following effect:

(i) The respondents shall not, as a matter of routine and without any basis, conduct any raids and interfere with the business carried on by the petitioners;

(ii) In specific cases where the police have reasonable grounds to believe that an offence punishable under the Immoral Traffic (Prevention) Act has been or is being committed, it is open to the police to take action, after scrupulously following all the steps indicated in Section 15 of the said Act. The steps to be followed are narrated by me in paragraph 28 above; and

(iii) Based upon the laws enacted in various States of the United States of America and Singapore, which I have dealt with in paragraphs 39 to 54, the respondents may take appropriate steps for bringing in either a new 43 legislation or a subordinate legislation in terms of the provisions of the Chennai City Municipal Corporation Act or the Chennai City Police Act, so that public order, decency and morality, which can form the basis for a regulatory law under Article 19(2) of The Constitution, are taken care of. The Government shall file a report on or before 31.3.2015, before this Court, about the decision taken. No costs. Consequently, all connected pending MPs are closed."



W.P.No.7108 of 2024

8.In the light of the said order, the writ petition is disposed of by directing the respondents to comply with the directions / conditions imposed in paragraph 67 of the said order as extracted above. It is also made clear that the petitioner under the guise of carrying on business activity shall not indulge in any unlawful or illegal activities detrimental to law and order or public order. No costs.

18.03.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Superintendent of Police,
Namakkal District, Namakkal.
- 2.The Deputy Superintendent of Police,
Tiruchengode,
Namakkal District.
- 3.The Inspector of Police,
(Rural Police Station),
Tiruchengode,
Namakkal District.
- 4.The Public Prosecutor,
Madras High Court, Chennai.

N.ANAND VENKATESH, J.



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W.P.No.7108 of 2024

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W.P.No.7108 of 2024

18.03.2024