



Writ Petition No.32651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.32651 of 2023

Royal Village Sport Club,
Komarapalayam,
represented by its President
Mr.K.Lingamoorthy
R.S.No.330/2A2,
Door No.4-937/2, Aruvankadu,
Kallangattuvalasu Post,
Komarapalayam Amani,
Komarapalayam Taluk,
Namakkal District - 638 183.

... Petitioner

Vs.

- 1.The Superintendent of Police,
Namakkal.
- 2.The Deputy Superintendent of Police,
Tiruchengode, Namakkal District.
- 3.The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
- 4.The Tahsildar,
Komarapalayam Taluk Office,
Komarapalayam,
Namakkal District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 3 and 4 to remove the lock and seal made in the petitioner club, namely, Royal Village Sports Club, functioning at R.S.No.330/2A2, Door No.4-937/2, Aruvankadu, Kallangattuvalasu Post, Komarapalayam Amani, Komarapalayam Taluk, Namakkal District - 638 183.

For Petitioner : Mr.C.Prakasam
for Mr.P.Pandiyaraj

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing respondents 3 and 4 to remove the lock and seal that was put up in the club belonging to the petitioner.

2. Heard Mr.C.Prakasam, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate [Crl.side], appearing for respondents.

3. The petitioner had earlier approached this Court and filed



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W.P.No.22114 of 2023 and this Court passed the following order:

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"3. Learned Additional Public Prosecutor submitted that no complaint has been received against the petitioner so far and hence, there is no occasion for the respondent police to interfere with the running of the club. Learned Additional Public Prosecutor also brought to the notice of this Court an earlier order passed in W.P.No.16835 of 2021 under similar circumstances on 08.09.2021 and for proper appreciation, the direction issued by this Court is extracted hereunder:

"5. In view of the above, the petitioner's club is permitted to allow play of rummy etc., games without any monitory benefit or any other gambling activities. Further, the petitioner is directed to install CCTV camera in the entrance of the club, so that the activities of the club can be recorded, and also directed to maintain attendance register with particulars of the members. The same to be produced as and when called for and sought by the 2nd respondent Police. The 2nd respondent Police can conduct surprise check without affecting normal functioning of the club activities and also take action if any illegal activities are found to be encouraged in the club.""

4. Pursuant to the above order, it seems that the respondents 3 and 4 have proceeded further and locked and sealed the club.

5. Learned Government Advocate [Crl.side] appearing on behalf of respondents submitted that the members of the club have indulged in gambling activities and that is the reason why such an action was taken. Learned Government Advocate [Crl.side] further submitted that a First Information Report was registered in Crime No.472 of 2023 on 30.10.2023.



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6. In the considered view of this Court, if the respondent police wants to take the extreme step of closing the club with lock and seal, the petitioner must be put on notice and it must be done in accordance with law. On carefully going through the First Information Report, it is seen that the case has been registered against nearly 15 individuals on the ground that they were indulged in playing online rummy. The mobile phones were also seized. It is under these circumstances, the First Information Report was registered for offence under the Tamil Nadu Gaming Act, 1930. The Tamil Nadu Gaming Act, 1930, does not provide for closing down a building. At the best, it only provides for imposition of penalty/ punishment for violation of the provisions of the Act. In any event, the Tahsildar, could not have closed down the building when the investigation is pending.

7. In the light of the above discussion, the lock and seal which has been put up in the club is illegal and it has to be removed. If at all any steps are being taken for putting up a lock and seal in the property, it can be done only in accordance with law after issuing notice and after



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affording an opportunity. Hence, there shall be a direction to the respondents 3 and 4 to immediately remove the lock and seal that has been put up in the premises. This direction will not stand in the way of the respondents to proceed further with the investigation pending in Crime No.472 of 2023.

This Writ Petition is disposed of with the above direction. No costs.

08.01.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The Superintendent of Police,
Namakkal.
- 2.The Deputy Superintendent of Police,
Tiruchengode, Namakkal District.
- 3.The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

N.ANAND VENKATESH, J.

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4. The Tahsildar,
Komarapalayam Taluk Office,
Komarapalayam,
Namakkal District.

5. The Public Prosecutor,
High Court, Madras.

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