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Contempt Petition No.3015 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.3015 of 2023

Friends Sports Club

... Petitioner

Vs.

1.Mr.Sakthivel

2.Mr.Yuvaraj

... Respondents

Prayer: Contempt Petition is filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 to initiate contempt proceeding against the alleges respondent for willfully and deliberately disobeying the verdict dated 14.06.2016 in W.P.No.15859 of 2016.

For Petitioner : Mr.S.Gunasekar

For Respondents : Mr.V.Meganathan,
Government Advocate (Crl Side)

ORDER

This Contempt Petition has been instituted to punish the respondents for their wilful disobedience of the order dated 14.06.2016 passed in



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W.P.No.15859 of 2016.

2. This Court had passed the following order:

“4. The learned counsel appearing for the petitioner would submit that the petitioner club is not indulging in any illegal or immoral activities affecting the law and order and public order. The said submission, on instruction, is also placed on record.

5. In the light of the facts and circumstances, this Writ Petition is disposed of as per the conditions extracted above. It is needless to state that if the petitioner club indulges in any illegal or immoral activities, it is open to the respondents/police officials to take action in accordance with the law. No costs.”

With reference to the order passed by this Court, the learned counsel for the petitioner would submit that the respondents are interfering with the peaceful functioning of the club and disturbing the activities of the club periodically and it is stated that the petitioner club is conducting lawful sports activities and they are not indulging in any unlawful activity.

3. This Court is of the considered view that the self-declaration of the petitioner club would be insufficient to form a final opinion. The police authorities are empowered to conduct inspections and it is their duty



mandated under law to prevent any such unlawful or offensive activities.

There are large scale allegations made against these recreation clubs in the public domain. Therefore, the police authorities are expected to be vigilant and conduct periodical inspections to verify the documents and to ensure that the activities of these clubs are carried on in a lawful manner. In the event of any information or identification of unlawful activity or commission of offence or otherwise, the police authorities have to initiate all appropriate actions to prosecute the offenders and to cancel their licence or otherwise in the manner contemplated. Mere declaration by the petitioner that they are running the club in the lawful manner is not a submission brought to file a contempt proceedings .

4. This Court vide order dated 14.06.2016, in clear terms had held that “It is needless to state that if the petitioner club indulges in any illegal or immoral activities, it is open to the respondents/police officials to take action in accordance with the law”. Therefore, the writ petition was ordered clarifying the powers conferred on the police authorities to initiate all appropriate actions in the event of any illegal or immoral activities in the club.



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5. Pursuant to the directions issued by this Court on 24.09.2021 in W.P.No.42735 of 2016, the Director General of Police issued a Circular Memorandum in R.C.No.008189/Crime(3/2021) dated 21.10.2021. As per the circular issued by the Director General of Police, the jurisdictional police authorities are empowered to conduct inspections on such information and initiate all appropriate actions if any illegal activities are identified.

6. Beyond all these, the order in the Writ Petition was passed on 14.06.2016 and the present Contempt Petition is filed on 13.12.2023, after a lapse of about 7 years from the date of passing of the order. Therefore, the contempt is filed beyond the period of limitation as contemplated under the Contempt of Courts Act. When this Court has issued certain general directions subject to the conditions that the police authorities are empowered to initiate action in the event of any illegal or illegal activities in the petitioner club, the petitioner has not established that the respondents have violated the orders of this Court and committed contempt.



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7. The learned Government Advocate (Crl.Side), Mr.Meganathan would submit that two criminal cases are registered in Crime Nos.54 and 210 of 2023 against the petitioner club on identification of illegal activities.

Therefore, the petitioner is not entitled to any relief.

8. In view of the facts and circumstances, this Contempt Petition stands dismissed. No costs.

24.01.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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S.M.SUBRAMANIAM, J.

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