



W.P.(MD)No.2284 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:07.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.2284 of 2023

B.Dhinakaran

... Petitioner

Vs.

1. The District Collector,
O/o. District Collectorate, Dindigul.
2. The Superintendent of Police,
O/o. Superintendent of Police Station,
Dindigul.
3. The Inspector of Police,
O/o.Sembatti Police Station, Sembatti,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents and their subordinates from interfering with the peaceful and lawful activities of the petitioners Recreation Club by name style of S.M.Recreation Club (Reg.No. SRG/Dindigul/67/2022) situated at Door No. 271/2B, 1A-West Street, Vettaipatty, Pachamalayankottai Post, Nilakottai Taluk, Dindigul 624 707 in the light of directions issued by this Honble Court in WP.No.29444 of 2018 and in accordance with the law within the time stipulated by this Hon'ble Court.

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For Petitioner : Mr.S.Lenin Prabu

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for the issue of writ of mandamus forbearing the respondents from interfering with the lawful activities that are conducting in the petitioner's recreation club.

2.Heard Mr.S.Lenin Prabu, learned counsel for the petitioner and Mr.B.Thanga Aravindh, learned Government Advocate appearing on behalf of the respondents.

3.The learned Government Advocate, on instructions, submitted that in the guise of running of a recreation club, gambling is going on and therefore, eight cases have been registered from the year 2017 to 2021.



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4. In the light of the above stand taken by the respondent police, if any illegal activities are conducted in the recreation club run by the petitioner, steps shall be taken to issue notice to the petitioner and get the response from the petitioner and proceed further in accordance with law in the line with the directions issued by this Court in the earlier orders passed which are as follows:-

“(i) the Petitioner is entitled to carry on lawful business of Omalur sports & Recreation Club, Omalur, Salem District, within the premises and normally there would not be any interference from the police authorities so long as the activities are not in violation of the provisions of any law;

(ii) if the Police Authorities have specific information or reasonable doubt that the activities carried on in the Omalur sports & Recreation Club, Omalur, Salem District, of the Petitioner are in violation of law or relate to unlawful activities, would be open to them, after recording reasons in the General Diary maintained in the Police Station,



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to proceed to enter the premises of the Petitioner, conduct investigation, interrogate those who are involved in such activities and take appropriate action in accordance with law;

(iii) the Police Authorities shall not otherwise unnecessarily disturb the activities of club of the Petitioner under the guise of inspection;

(iv) while exercising the powers conferred on the police authorities, they shall strictly follow the procedure prescribed by law;

(v) it is always open to the Petitioner to challenge the action taken by the Police, if it is not in accordance with law;

(vi) the Petitioner shall comply with the requirements of the police authorities to install CCTV cameras at the locations ear marked and shall furnish the footages to the police authorities, whenever required; and

(vii) it shall be incumbent upon the Petitioner to



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ensure that all licences required under various enactments applicable to the conduct of business of Omalur sports & Recreation Club, Omalur, Salem District, of the Petitioner, are in force in order to avail the benefit of this order and in the event of the same getting expired by lapse of time, suspended or cancelled by the concerned authorities, the Petitioner shall not be entitled to rely on this order to avoid the consequences arising therefrom.”

5.This writ petition stands disposed of in the above terms.

07.11.2024

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



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To

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N.ANAND VENKATESH,J.

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