



W.P.(MD)No.3083 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 24.02.2024

PRONOUNCED ON: .03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD) No.3083 of 2024

and

W.M.P.(MD)No.3058 of 2023

M.K.Rajendran

...Petitioner

VS

**1.The Registrar of Societies,
Tiruchirapalli District.**

**2.The Tahsildar,
Musiri Taluk,
Taluk Office, Tiruchirapalli District.**

**3.The Inspector of Police,
Thathayangarpettai Police Station,
Tiruchirapalli District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, to direct the third Respondent to hand over the keys of the club obtained from the second Respondent to the Petitioner for proper functioning of the club premises.



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For Petitioner : Mr.S.K.Mani
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Writ Petition had been filed for issuance of a Writ of Mandamus, seeking direction against the third Respondent to hand over the keys of the club obtained from the second Respondent to the Petitioner for proper functioning of the club premises.

2.The learned Counsel for the Petitioner submitted that the Petitioner is the President of Mettupalayam Nanbargal Manamagizh Mandram, Musiri Taluk, Tiruchirapalli District. He is running a recreation club in the name and style of “Mettupalayam Nanbargal Manamagizh Mandram, Tiruchy Maavattam”. It is the registered club. The members of the club are alleged to have played rummy. Hence, a case had been registered in Crime No.183 of 2023, dated 02.09.2023 by the third Respondent for the offences punishable under Sections 8 and 9 of the Tamil Nadu Gaming Act, 1930. The third Respondent had locked the club premises and handed over the key



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to the Tahsildar, Musiri Taluk/second Respondent. Aggrieved over the same, the present Writ Petition had been filed.

3.It is the further submission of the learned Counsel for the Petitioner that under the Tamil Nadu Gaming Act, 1930, the Respondent Police cannot knock the door of the club. The club has many activities. Only in one room, some of the members of the club were alleged to have played rummy.

4.The learned Government Advocate (Crl.side) by way of reply to the submission of the learned Counsel for the Petitioner submitted that the Petitioner is running a recreation club. As per the provisions of the Tamil Nadu Public Buildings (Licensing) Act, 1965, the learned Government Advocate (Crl.side) invited the attention of this Court to the definitions under Section 2 regarding public buildings and the definitions under Sections 3, 4, 5, 7, 15 and 16 of the Act. Also, he invited the attention of this Court to the Tamil Nadu Urban Local Bodies Act, 1998 and to Rule 300 made thereunder.



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5.Also, he submitted that if the Petitioner claims to be a club, he has to follow the rules and the Government Orders. The Government of Tamil Nadu had issued latest Government Orders, wherein, it has stated that the public authorities shall not keep the petitions seeking permission beyond 15 days. Therefore, when he claims to be the club, he ought to have obtained prior permission from the Authorities, as per the Tamil Nadu Buildings (Licensing) Act, 1965 and the Tamil Nadu Urban Local Bodies Act, 1998. Until then, the Petitioner is not entitled to claim any relief from the Court. For any violation of these two rules, only the learned Judicial Magistrate can take cognizance. The Tahsildar had not taken any coercive steps till date. Therefore, it is for the Petitioner to apply to the Tahsildar, as he is the competent Authority as per Tamil Nadu Public Buildings (Licensing) Act, 1965.

6.On consideration of the rival submissions, it is found that the Petitioners is a club. They have not obtained prior permission from the Executive Magistrate. The Respondent Police had conducted a surprise inspection and found that the members of club indulged in playing rummy. Since the club was not registered, the Respondent Police had locked and



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sealed the club. This Petition is filed only challenging the powers of the Police to seal the premises. This Writ Petition had been filed seeking to hand over the keys of the club to the Petitioner herein.

7.The contention of the Petitioner that the Tahsildar has no powers is also found unacceptable. The submission of the learned Counsel for the Petitioner that under the Tamil Nadu Gaming Act, 1930, the Respondent Police cannot knock the doors of the club. The submission of the learned Counsel for the Petitioner that the club has many activities and only in one room, some of members had played rummy cannot be accepted in the light of the fact that the “club has to obtain necessary permission from the Executive Magistrate. As per the Tamil Nadu Public Buildings (Licence) Act, and the Tamil Nadu Urban Local Bodies Act, 1998 and the rules thereunder, when the Petitioner had not obtained proper permission, it is for him to obtain permission and seek return of the keys. For violation of rules, the case had been registered.

In the light of the discussion above, the Petitioner is directed to get prior permission for conducting the club by approaching the the authorities



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under the Tamil Nadu Public Buildings (Licence) Act and thereafter, seek return of the keys from the appropriate authorities.

In the result, the ***Writ Petition*** is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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

.01.2024

cmr

To

1.The Registrar of Societies,
Tiruchirapalli District.

2.The Tahsildar,
Musiri Taluk,
Taluk Office, Tiruchirapalli District.

3.The Inspector of Police,
Thathayangarpettai Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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Pre-delivery order made in
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.03.2024