



W.P(MD)No.31350 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.31350 of 2023

Dream Recreation Club-Madurai South,
represented by its President,
Senthilkumar

...Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Theppakulam Police Station,
Madurai City.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent herein from interfering with the lawful day to day activities of our association namely Dream Recreation Club-Madurai South without following the due process of law.

For Petitioner : Mr.K.Sathish Kumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor



WEB COPY



W.P(MD)No.31350 of 2023

ORDER

The Petitioner in this Writ Petition seeks Mandamus against the Respondents No.1 and 2 from interfering with the contract and the activities of the club.

2. It is the further submission of the learned Counsel for the Petitioner that no illegal activities are carried out in the club. Also he had submitted that the club was registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975).

3. The learned Additional Public Prosecutor submits that the Petitioner/club registered under the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975), had not obtained any permission from the first Respondent regarding the club as per the statute. Also he submitted that the same Petitioner was involved in two other cases. Therefore, he cannot seek Writ of Mandamus against the Police officials, who are performing their duty.



W.P.(MD)No.31350 of 2023

4. The learned Counsel for the petitioner by way of rejoinder relied on the covered judgment by this Court in W.P.(MD)No.3705 of 2014.

5. The learned Additional Public Prosecutor also submitted that they have not obtained permission from the statutory authorities under the Public Premises Act. The ruling cited by the learned Counsel for the Petitioner claiming that it is covered will not help the case of the Petitioner. The Petitioner had only registered under the Tamil Nadu Societies Registration Act. They have to obtain permission for running the club from the Police officials as per the "***Tamil Nadu Public Building Act, 1965***".

6. In the light of the above submission by the learned Additional Public Prosecutor, this petition is liable to be dismissed. The Petitioner is directed to file appropriate petition before the competent authority under the "***Tamil Nadu Public Building Act, 1965***" for permission to run the club.



W.P(MD)No.31350 of 2023

7. With the above said direction, this Writ Petition is dismissed.

No costs.

03.01.2024

Internet: Yes
Index : Yes/No
jbr

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Theppakulam Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



WEB COPY



W.P(MD)No.31350 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

jbr

W.P(MD)No.31350 of 2023

03.01.2024