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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-03-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP NO. 6639 of 2025

AND

WMP NO. 7279 OF 2025

Sheik Subhani@Sheik Syed Subhani
S/o.Sheik Nazar, 4/1,MTH Road, Padi, Chennai-
50

Petitioner(s)

Vs

1.The Commissioner Of Police
Office Of the Commissioner,
Avadi.

2.The Joint Commissioner Of Police(west)
Ambattur Range, Sidco Industrial Buildings,
Ambattur Chennai

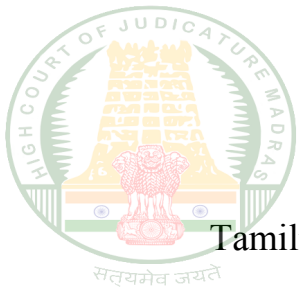
3. The Deputy Commissioner Of Police
Ambattur Police District, Milk Colony, Chennai

4. The Assistant Commissioner Of Police
Ambattur Chennai

5. The Inspector Of Police(law and Order)
E3, Police Station, Korattur, Chennai

6. TAHSILDAR
Ambattur, Chennai

7. Village Administrative Officer
Venkatraman Nagar, Korattur, Chennai,



Tamilnadu-600 080

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Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 5th respondent to unseal the premises of the petitioner at no.4/1, MTH Road, Padi, Chennai-50 and grant compensation of Rs.5,00,000/- for illegally sealing the property of the petitioner.

For Petitioner(s):

R.Rajesh Kumar

For Respondent(s):

A.Gopinath Government Advocate Criminal Side
for R1 to R5

P.Balathandayutham Spl.G.P. for R6, R7

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 5th respondent to unseal the premises of the petitioner at no.4/1, MTH Road, Padi, Chennai-50 and grant compensation of Rs.5,00,000/- for having illegally sealed the property of the petitioner.

2.The petitioner is the owner of the premises situated at no.4/1, MTH Road, Padi, Chennai-50. The ground floor of the premises was leased out in



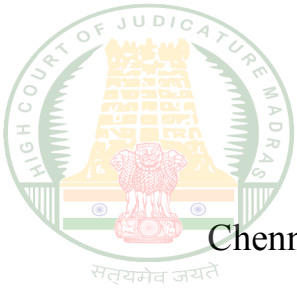
favour of Seshadri Recreation Club and Seshadri Guest House (Restaurant).

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The Seshadri Recreation Club is running in the premises for the past 25 years and it is also got registered under the Societies Registration Act, 1860 as Serial no.114 of 2005.

3.While that being so, the 5th respondent keeping on hosting the Club by its activities and as such, the petitioner filed the Writ Petition before this Court and this Court held that the petitioner's Club is permitted to play rummy, etc., games without stakes and if the petitioner allows any illegal games, the respondents can very well interfere and take action against the Club. While so, the 5th respondent inspected the premises on 30.01.2025, and sealed the ground floor of the premises, where motor room and other essential service connections are situated. In pursuant to the said inspection, the 5th respondent registered an FIR in Crime no.65 of 2025, for the 45 & 46 of the Chennai City Police Act 1888 (hereinafter referred to as "the Act").

4.The learned counsel for the petitioner would submit that the



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Chennai City Police Act, 1888 does not provide any provision to seal the premises. In fact, Sections 45 and 46 of the said Act provide only fine that too not exceeding to Rs.500/-. However, all of a sudden, the 5th respondent entered into the premises forcibly and sealed the premises. Therefore, the petitioner would not be able to enter into the motor room and provide amenities to the entire premises.

5.A detailed counter affidavit has been filed by the 5th respondent stating that the petitioner is the owner of the premises and the ground floor of the premises was leased out in favour of Seshadri Recreation Club and they are running the Club with illegal activities. Therefore, after obtaining necessary permission, made seal on the petitioner premises and found that there were 10 persons playing cards with money and also they have been running gambling without valid permission from the Government. Therefore, the 5th respondent registered an FIR. That apart, in order to run the Club activities, the petitioner did not obtain any licence from the authority concerned for the Seshadri Recreation Club and the petitioner obtained licence only to run the restaurant in the name and style of Seshadri



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Guest House (Restaurant) and as such, the 5th respondent sealed the premises.

6. On perusal of the records, the offences under Sections 45 & 46 of the Act shows that with regard to the opening of common gaming-house and for the purpose of gaming in common gaming-house are punishable and conviction to fine not exceeding five hundred rupees, or imprisonment not exceeding 3 months or both. Though the petitioner is arrayed as A11 and the only allegation against him is that he is the owner of the premises. Further, the Act does not provide any provision to seal the premises. There is no provision to issue licence to run the recreation club. The Recreation Club shall have to be registered under the provisions of the Societies Registration Act, 1960. Therefore, the 5th respondent ought not to have sealed the premises of the petitioner. In fact, even assuming that the Club is running games with style and stakes, no need to seal the premises. Further in the entire premises, there is a motor room and now the petitioner is not able to operate the motor room to pump water.

7. In view of the above, this Court directs the 5th respondent to de-seal



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the petitioner's premises at no.4/1, MTH Road, Padi, Chennai-50 forthwith, subject to the condition that the petitioner or his lessee shall not conduct any illegal activities in the name of Sheshadri Recreation Club with its members. The petitioner and his lessee shall file an undertaking affidavit to that extent, with the 5th respondent.

8. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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