



W.P(MD)No.7056 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.7056 of 2025

S.Shafiq Yasir

... Petitioner

VS.

1. The Commissioner,
Prohibition and Excise Department,
Second Floor, Ezhilagam Building,
Chepauk,
Chennai - 600005.

2. The District Collector,
Pudukkottai District,
Tamil Nadu.

3. The District Manager,
TASMAC Limited,
Plot No.5/b, SIPCOT Industrial Area,
Pudukkottai District,
Tamil Nadu.

4. The Thasildar,
Aranthangi Taluk,
Pudukkottai District,

1/12



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5. A.Selvam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st to 3rd respondent to prohibit the function of Red Fort Recreation Club Stands in the name of 5th respondents situated at Door No.267/1, 267/2, 267/3 Near Popular Wood Mill, Pattukottai Road Pudukkottai District by considering the petitioner's representation dated 09.03.2025.

For Petitioner	: Mr.B.Sargunam
For R1,R2,R4	: Mr.P.Thilak Kumar Government Pleader
For R3	: Mr.N.Vignesh for Mr.H.Arumugam
For R5	: Mr.P.Ganapathi Subramaniam

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The Writ of Mandamus has been instituted, directing the respondents 1 to 3 to prohibit the function of Red Fort Recreation Club Stands in the name of fifth respondent situated at Door No.267/1, 267/2, 267/3, near Popular Wood



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2. The petitioner states that there is a significant increase in the number of alcohol shops particularly, F2 license has been granted in the particular locality in Pudukkottai District. Numerous bar licenses granted by the authorities without making proper assessment are causing social disturbances and frequently, people are getting agitated. In the present case, one liquor shop namely “Red Fort Recreation Club” is being run by the fifth respondent at Door Nos.267/1, 267/2 and 267/3, Pattukottai Road at Pudukkottai District. The club has been granted permission to open from 11.00 AM to 11.00 PM daily. The fifth respondent's establishment is causing lot of public nuisance and it is located directly opposite to a Government TASMAL outlet with an attached bar. Therefore, license granted to the fifth respondent is based on extraneous consideration despite the fact that there is a Government TASMAL shop functions nearby. On 08.03.2025, a massive public protest was held against opening of the fifth respondent's Club resulting in road blockage and the distribution of protest pamphlets. A Peace Committee Meeting was conducted. Representations were submitted to the



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competent authorities. Since no action has been taken, the present writ petition came to be instituted. Despite the fact that notice has been served to the official respondents, they have not chosen to file counter-affidavit.

3. Registrar may on his own notion or on an application, is empowered to inquire into the affairs of the registered society under Section 36 of the Societies Registration Act. Section 37 stipulates 'Cancellation of Registration'. When an inquiry has been held under section 36 of registration, the registrar may, if he is satisfied—

(a) that the registered society has contravened any of the provisions of this Act or the rules made there- under; or

(b) that the registered society is insolvent, or must necessarily become so ; or

(c) that the business of any such registered society is conducted fraudulently or not in accordance with the bylaws or the objects specified in the memorandum filed with the Registrar under section 6, after giving in such manner, as he thinks fit, previous notice in writing to the registered society, specifying briefly the grounds of the proposed cancellation and after giving an



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opportunity to the registered society to show cause why the cancellation should not be made, cancel the registration of the registered society, and communicate the order of cancellation forthwith to the registered society by registered post.

4. Section 38 contemplates Cancellation of a Registration of Society and the said provision reads as under:

“(1) If it appears to the Registrar that any registered Registration society is carrying on any unlawful activity or allows unlawful activity to be carried on within any premises under the control of the society, the Registrar may hold an enquiry into the activities of such society, and in respect of every such enquiry, the Registrar shall have the same powers as are specified in sub-sections (6), (7) and (8) of section 36.

(2) If on an enquiry under sub-section (1), the Registrar is satisfied that any such society has been carrying on any unlawful activity or has allowed any unlawful activity to be carried on within any premises



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under the control of the society, he shall, after giving reasonable notice to the society to show cause why the registration of the society should not be cancelled and after considering the representations, if any, made on behalf of the society, by order cancel the registration of the society. The Registrar shall communicate the order of cancellation forthwith to the registered society.”

5. The above provisions of the Tamil Nadu Societies Registration Act, 1975 is unambiguous and appropriate actions are required in respect of the societies, which all are violating the provisions of the Act.

6. The common complaints against the Registration Department in the public domain is that the Department is, not conducting inspections periodically nor initiating any action for cancellation of Registration, even though unlawful and illegal activities are visible in many such societies across the State of Tamil Nadu. Therefore, the Head of the Department has to issue necessary instructions to all the authorities to ensure that the inspections are conducted by



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the Registration Department in respect of the societies registered, verify their records, credentials etc., and if any illegality or unlawful activities are noticed, then initiate further action under the provisions of the Societies Registration Act for cancellation of Registration. Once, the Registration is cancelled by following the procedures as contemplated, then the Police authorities must ensure that such illegal societies are not re-opened.

7. The issue was considered by this Court in W.P.No.30803 of 2012, dated 23.12.2021, [High Court speaking through one of us (SMSJ)]. Pursuant to the orders of the Court passed in W.P.No.42735 of 2016, dated 24.09.2021, the Director General of Police issued circular memorandum to all the police officials stating that “*The jurisdictional Police authorities, on registration of criminal cases against any such Clubs, societies, are directed to communicate the copy of the F.I.R to the concerned jurisdictional District Registrar of the said society for initiation of appropriate action under the provisions of the Societies Registration Act*”.



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8. It is needless to state that the police authorities are duty bound to monitor the activities of these clubs and they are expected to be vigilant when public nuisance are caused. Whenever such nuisance or offences are noticed, immediately a criminal case must be registered and offenders are to be prosecuted. Therefore, it is necessary to implead the 'District Superintendent of Police, Pudukottai District', in the present case. Accordingly, the 'District Superintendent of Police, Pudukottai District', has been *suo motu* impleaded as a respondent. The learned Additional Public Prosecutor, takes notice on behalf of the Superintendent of Police, Pudukottai District.

9. The District superintendent of Police, Pudukottai District, is directed to conduct inspections through his subordinate authorities and find out the legality of the recreation activities in the fifth respondent's club. The Circular Memorandum issued by the Director General of Police is to be scrupulously followed.

10. As far as the registration of these clubs are concerned, the petitioner or any other person is at liberty to file an appropriate complaint before



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the District Registrar concerned under the provisions of the Tamil Nadu Societies Registration Act. On receipt of any such complaint, the competent authorities of the Registration Department shall conduct an enquiry and pass appropriate orders on merits. Even in the absence of any complaint, on registration of a criminal case, if any, as per the circular memorandum issued by the Director General of Police, the police authorities have to communicate the copy of the FIR to the District Registrar of the Registration Department for *suo motu* initiation of action under the Societies Registration Act. After conducting enquiry, all appropriate action are to be taken to cancel the registration and the Prohibition and Excise Department also initiate action for cancellation of bar licenses or any other license granted. At the outset, the complaints of this nature from the public is to be addressed without causing undue delay and in the event of any lapses, dereliction of duty, negligence on the part of the public authorities, they must be subjected to departmental disciplinary proceedings, apart from prosecution. With reference to the facts of the present case, the District Superintendent of Police, Pudukottai, is directed to conduct inspection, ascertain the facts regarding the activities of the fifth respondent's club and initiate all appropriate action in coordination with the Prohibition and Excise Department, Registration



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Department and other connected departments. The said exercise is directed to be done within a period of four weeks from the date of receipt of a copy of this order.

11. This Writ Petition stands allowed. There shall be no order as to costs.

[S.M.S.,J.] & [A.D.M.C.,J.]
09.06.2025

NCC : Yes
Index : Yes
Internet : Yes
PKN

To

1. The Commissioner,
Prohibition and Excise Department,
Second Floor, Ezhilagam Building,
Chepauk,
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2. The District Collector,
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