
(2014) 04 KAR CK 0272

In the Karnataka High Court

Case No : Writ Petition Nos. 104124 to 104128 of 2014 (GM-POLICE)

Dolphin Recreation (Society)

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 02-04-2014

Acts Referred:

Citation : (2014) 4 KarLJ 679 : (2014) 4 KCCR 3540

Hon'ble Judges : Aravind Kumar, J

Bench : Single Bench

Advocate : G.K. Hiregoudar, Advocate for the Appellant; K. Vidyavati, Additional Government Advocate, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Aravind Kumar, J.—Petitioners are seeking for a direction to respondents not to insist upon the petitioner to obtain licence for playing game of skill like chess and carrom conducted in the petitioners' club for these activities. Petitioners claim to be a Recreation Club, wherein members of the club are permitted to play games of recreation, such as carrom, chess, etc. It is their contention that when no unlawful activity is being carried on in the premises of the Club, respondents are insisting upon the petitioners to secure licence though petitioners are not required to obtain a licence, since it is registered under the Karnataka Societies Registration Act, 1960 and it is governed by said provisions and respondent-authorities being well aware that entry to petitioners-Club is restricted to members only, still they are arbitrarily interfering with the activities of petitioners-Club without authority of law. Hence, petitioners are before this Court seeking for a direction to respondents not to insist upon petitioners to obtain licence for playing games of skill like chess and carrom in the premises of petitioners.

2. Learned Counsel appearing for the petitioners would contend this Court has consistently held that it would not be necessary for the Clubs registered under the Karnataka Societies Registration Act, 1960, to obtain licences from

respondents and in support of his submission, he has relied upon the judgment of Co-ordinate Bench of this Court rendered in W.P. Nos. 103739 to 103742 of 2014, dated 10-3-2014.

3. Per contra, Smt. K. Vidyavati, learned Additional Government Advocate appearing for the State would submit that Karnataka Police Act, 1963, empowers Police Commissioner to direct petitioners-Club to obtain licence and as such, she submits that Government Order dated 12-9-2013 has been issued by the Government which cannot be found fault with and hence, she prays for dismissal of the writ petition.

4. Having heard the learned Advocates appearing for the parties and after bestowing my careful attention to the rival contentions raised in the writ petitions, records would indicate that for the similar relief which is sought for in the present writ petition was also the subject-matter of consideration in W.P. No. 48473 of 2013, wherein respondents had relied upon the Government Order dated 12-9-2013 to contend that the Police Commissioner was empowered to direct the petitioner-Clubs to obtain licence came to be examined in the said writ petition and it has been held in the said order that in respect of activities carried on by recreation clubs, licence need not be obtained. It has been held therein as under: "4. Having heard the learned Counsel appearing for the parties, it is to be noticed that several matters of the like nature have arisen before this Court and this Court has consistently taken the view that in respect of the present nature of activities in a recreational Club, the same does not require licence. Hence, the respondents are not justified in insisting on the same. However, the respondents would have the liberty of monitoring the activities of the club and taking action only if there are any illegal activities carried on in the premises.

5. In that view of the matter, the petition is disposed of, with a direction to the respondents not to insist on the petitioner to secure a licence in respect of the activities stated to have been carried on by the petitioner. However, it is made clear that the respondents would be entitled to monitor the activities and taken action, if the petitioner indulges in any illegal activities in the Club premises".

This Court in W.P. Nos. 103739 to 103742 of 2014 disposed of on 10-3-2014 following the above dicta of Co-ordinate Bench had allowed the writ petitions. Petitioners are similarly placed and there is no justification for respondents to insist upon the petitioners to secure licence in respect of the lawful activities carried on by them. Hence, a direction is issued to the respondents not to insist upon the petitioners to secure licence in respect of activities stated to have been carried on by them. However, it is made clear that respondent-authorities would be at liberty to monitor the activities carried on at the petitioners-Recreation Clubs and in the event of any Club or its members were to indulge in any unlawful, activities, respondent-authorities would be at liberty to take action. With these observations, writ petitions stand disposed of. Costs made easy.