
(2014) 03 KAR CK 0136

In the Karnataka High Court

Case No : Writ Petition No. 103556 of 2014 (GM-POLICE)

Friends Recreation Club

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 10-03-2014

Acts Referred:

Citation : (2014) 3 KarLJ 681 : (2014) 4 KCCR 3891

Hon'ble Judges : Aravind Kumar, J

Bench : Single Bench

Advocate : Shivaraj P. Mudhol, Advocate for the Appellant; K. Vidyavathi, Additional Government Advocate, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Aravind Kumar, J.—Petitioner is seeking for a direction to respondents not to insist upon the petitioner to obtain licence for playing game of skill like chess, carrom and rummy conducted in the petitioner's club for these activities. Petitioner claims to be a Recreation Club wherein members of the club are permitted to play games of recreation such as rummy, 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 petitioner to secure licence though petitioner is 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 petitioner-club is restricted to members only, still they are arbitrarily interfering with the activities of petitioner-club without authority of law. Hence, petitioner is before this Court seeking for a direction to respondents not to insist upon petitioner to obtain licence for playing games of skill like chess, carrom and rummy under Government order dated 12-9-2013 Annexure-C.

2. Learned Counsel appearing for the petitioner 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 in W.P. No. 48473 of 2013, dated 3-12-2013.

3. Per contra, Smt. K. Vidyavathi, learned Additional Government Advocate appearing for the State would submit that Karnataka Police Act, 1963, empowers Police Commissioner to direct petitioner-dub to obtain licence and as such, she submits that order Annexure-C cannot be found fault with and 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, records would indicate that for the similar relief wherein Government order dated 12-9-2013 Annexure-C which is impugned in this writ petition had been called in question in W.P. No. 48473 of 2013 and this Court after examining the issue has taken a view that in respect of activities carried on by the recreation clubs, it does not require that they need not obtain licence and it has been held 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 take action, if the petitioner indulges in any illegal activities in the club premises.

Petitioner is similarly placed and there is no justification for respondents to insist upon the petitioner 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 petitioner 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 petitioner-Recreation Club and in the event of Club or its members were to indulge in any unlawful activities, respondent-authorities would be at liberty to take action. With these observations, writ petition stands disposed of. Costs made easy.