
(1998) 12 AHC CK 0032
In the Allahabad High Court
Case No : C.M.W.P. No. 44707 of 1998

Maiya Deen Tiwari

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 23-12-1998

Acts Referred:

Citation : AIR 1999 All 141 : (1999) 2 AWC 1282 : (1999) 4 RCR(Civil) 90

Hon'ble Judges : M.C. Agarwal, J;M. Katju, J

Bench : Division Bench

Advocate : Punit Kumar, for the Appellant;

Judgement

M. Katju and M.C. Agarwal, JJ.—This petition has been filed praying for strict compliance of the Lottery Ordinance dated 1.10.1997 and the judgment of this Court dated 10.3.1998 and order dated 25.3.1998. By the aforesaid judgment dated 10.3.1998 in M/s Maa Vaishnav Lotteries Agency v. State of U. P. and others. Writ Petition No. 5733 of 1998, and the order on the review application in the same writ petition passed on 25.3.1998, we had held the Lottery Ordinance to be held valid and it has also ordered that no lottery of any State shall be sold in Uttar Pradesh. Thereafter we have passed an interim order dated 16.12.1998 in Akhil Bhartiya Manav Kalyan Samiti v. State of U. P.. Writ Petition No. 43408 of 1998, copy of which is Annexure 3 to the writ petition, by which we directed the authorities to strictly comply with the orders of this Court.

2. It is indeed regrettable that despite the two final judgments of this Court dated 10.3.1998 and 25.3.1998 and the interim order dated 16.12.1998, lotteries are being sold freely in all parts of Uttar Pradesh. In Allahabad itself, lottery tickets are being sold openly before the General Post Office, on the Leader Road and Katju Road near the Railway Station, A. G. Office. Clock Tower, near the District Courts, etc. It is evident that the authorities are in collusion with the Lottery Dealers and are not enforcing the orders of this Court. This state of affairs will no longer be tolerated by this Court. We direct the U. P. Government to strictly enforce the aforesaid two judgments of this Court and the interim

order dated 16.12.1998 falling which this Court will take strict action against the authorities concerned.

3. Let a copy of this order be sent by the Registrar of this Court, as well as the Standing Counsel, to the Chief Minister immediately and the Chief Minister must issue instructions to all the Commissioners and District Magistrates in U. P. that they will now be personally held accountable if the aforesaid judgments dated 10.3.1998 and 25.3.1998 and the interim order of this Court dated 16.12.1998 are not complied with strictly.

4. With the aforesaid observations, the petition is disposed of.

A copy of this order be supplied to the learned counsel for the petitioner and learned Standing Counsel today on payment of usual charges.