

(2011) 11 KAR CK 0302

In the Karnataka High Court

Case No : Writ Petition No. 40729 of 2011 (GM-Police)

M/s. Chowdeshwari Recreation Association

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 03-11-2011

Acts Referred:

Karnataka Police Act, 1963 — Section 31

Citation : (2011) 11 KAR CK 0302

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Ramanjaneya. V, for the Appellant; R.B. Sathyanarayana Singh, HCGP, for the Respondent

Judgement

B.S. Patil

1. Learned Government Pleader is directed to take notice for the respondents.
2. It is submitted by the learned counsel for both the parties that similar matters are disposed of holding that as long as lawful recreational activities are carried on by the association such as the petitioner, there would be no requirement in law for taking permission from the police department either u/s 31 of the Karnataka Police Act or under any other licensing order. Therefore, this matter is taken up for final disposal with the consent of both the parties.
3. In this writ petition, petitioner is seeking a direction to the respondents not to interfere with the internal activities of the petitioner in the matter of carrying on the recreational activities and that the respondent-Authorities be directed not to insist upon the petitioner to obtain license either under the Police Act or under the Licensing and controlling of Places of Public Amusement Act to run the recreation club permitting members of the association to play games like poker, wall coin game, six colour games, carom board, chess, skill game, video game, dart, rummy etc.,
4. Learned counsel for the petitioner inviting the attention of the Court to the

decision rendered by this Court in W.P.No.2593/2005 disposed of on 30.03.2005 and other connected cases, submits that in similar circumstances following the division bench decision of this Court in Sanna Adike Belegarara Recreation Association and Others Vs. State of Karnataka and Others, , it has been held that the police Authorities have no power to interfere with the internal activities of an association as long as the recreational activities are carried on in accordance with law. However, while making the said observation, this Court has further placed a rider stating that the Authorities will have liberty to take such action, as is permissible in law, if the club or the association involves in any illegal or immoral activities.

5. In the light of the order passed by this Court in similar writ petitions referred to above, this writ petition is disposed of directing the respondent-Authorities not to interfere with the internal activities of the petitioner-Association as long the said activities carried on are lawful. It is made clear that the respondents will have liberty to take action in accordance with law, if the petitioner-association indulges in any illegal or immoral activities.

6. Learned Government Pleader is permitted to file memo of appearance within three weeks.