
(2014) 03 KAR CK 0179
In the Karnataka High Court
Case No : W.P. No. 11285/2014 (GM-Police)

Residency Members Association

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 07-03-2014

Acts Referred:

Citation : (2014) 03 KAR CK 0179

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : N. Ravindranath Kamath, Advocate for the Appellant; Vijay Kumar A. Patil, HCGP, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

S. Abdul Nazeer, J.—Learned HCGP is directed to take notice for the respondents.

2. In this case, the petitioner has sought for an order directing the respondents not to insist upon it to obtain license to carry on lawful activities in its premises either under the Police Act, or under the Provisions of Licensing and Controlling of Places of Public Amusement Order and not to interfere in the play of skill oriented games like Rummy, Poker, Chess and Carom, Coin Games, Wall Ball skill and other skill games and etc.

3. The submission of the learned counsel for the petitioner is that no activity necessitating obtaining of license under the Licensing Order is carried on in the premises of the petitioner; that the activity of playing the games of Dart, Chess, Rummy, Snooker/Billiards and Carom etc., are not in the nature of gambling activity or game of chance; that such games are not prohibited or regulated. Moreover, the place of the petitioner is not a public place and the entry is restricted only to the members of the petitioner-association and not to outsiders and accordingly there is no requirement on the part of the petitioner to obtain a license as contemplated under Clause-3 of the Licensing Order. Learned counsel for the petitioner has relied on an earlier decision of this Court rendered in WP

No. 11843 of 2006, decided on 9.11.2006 (between M/s. Shiva Association vs. State of Karnataka & others) and submits that on similar terms this petition may also be disposed of.

4. Learned HCGP appearing for the respondents submits that the Police have not interfered and will not interfere with the lawful activities of the petitioner and they would take action only if the petitioner indulges in any unlawful activities. He further submits that the respondents will not insist the petitioner for license for such of the activities for which no license is required.

5. I have carefully considered the arguments made by the learned counsel for the parties and perused the materials placed on record. The only complaint of the petitioner is that the respondents are interfering with the lawful activities carried on by it. Learned HCGP has denied the allegations made in the writ petition. Having regard to the facts and circumstances of the case, I am of the view that the respondents should not interfere with the lawful activities of the petitioner. At the same time, respondents should be permitted to take action according to law in case the petitioner indulges in any unlawful activity. On identical facts, this Court in Shiva's case (supra) has restrained the respondents from interfering with the lawful activities of the petitioner.

6. In the light of the above discussion, I pass the following order:-

- a) The respondents are directed not to interfere with the lawful recreational activities carried on by the members of the petitioner-Association.
- b) It is made clear that the respondents are at liberty to take any appropriate action according to law, if the petitioner indulges in any unlawful activity.

The Writ Petition is disposed of accordingly.

7. Learned HCGP is permitted to file his memo of appearance within eight weeks from today. No costs.