

(2000) 10 MAD CK 0079

In the Madras High Court

Case No : Writ Petition No's. 12334 and 12380 of 1993

S.P. Nathan and etc.

APPELLANT

Vs

State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 11-10-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2001 Mad 159

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : Jayaprakash Narayanan, for the Appellant; V. Rengaraju, Government Advocate, for the Respondent

Judgement

P.D. Dinakaran, J.—The petitioner in W.P. No. 12334 of 1993 seeks the issue of a writ of mandamus to forbear the respondents from preventing the petitioner from carrying on the business of video games "ARUNA VIDEO GAMES" at jvvt-7, Panchayat Shopping Complex, Market Road, Solvandan, Vadipatti Taluk, Madurai District.

2. The petitioner in W. P. No. 12380 of 1993 seeks the issue of a writ of Mandamus to forbear the respondents from preventing the petitioner from carrying on the business of video games "SAMY VIDEO GAMES" at No. 5, Municipal Building, Pulugal, Urani Road, Bus stand northern side, Virudunagar, Kamarajar District.

3. The Apex Court in M.J. Sivani and Others Vs. State of Karnataka and Others, holding that video game is liable to be regulated under the Madras City Police Act, 1888, and the Tamilnadu Gaming Act, 1930, has held as follows (at p. 1774 of AIR):

"Unregulated video game operators not only pose danger to public peace and order and safety; but the public will fall into prey of gaming where they always stand to lose playing in the games of chance. Unless one resorts to gaming

regularly, one can hardly be reckoned to possess skill to play the video game. Therefore, when it is a game of pure chance or manipulated by tampering with the machines to make it a game of chance, even acquired skills hardly assist a player to get extra tokens. Therefore, even when it is a game of mixed skill and chance, it would be a gaming prohibited under the statute except by regulation. The restriction imposed, therefore, cannot be said to be arbitrary, unbridled or uncanalised."

4. The Apex Court has further held that no one has inherent right to carry on a business which is injurious to public interest, and therefore, the regulations that are imposed in public interest are not violative of Article 19(1)(g) of the Constitution of India, and the right to life under Article 21, does not protect livelihood but its deprivation cannot be extended too far or projected or stretched to the avocation, business or trade injurious to public Interest or has insidious effect on public morale or public order. Therefore, the regulation of video games or prohibition of some of video games of pure chance or mixed chance and skill are not violative of Article 21 nor is the procedure unreasonable, unfair nor unjust.

5. If that be so, it may not be proper for this Court to grant the relief as prayed for. However, as observed by the Apex Court in *M.J. Sivani and Others Vs. State of Karnataka and Others*, , the petitioners are at liberty to approach the competent authority for appropriate permission and if the same is rejected on irrelevant grounds, the petitioners are at liberty to work out their remedy as per law.

These writ petitions are disposed of accordingly. No costs. Consequently. W. M. P. Nos. 18818 and 18893 of 1993 are closed.