
(2010) 12 KAR CK 0053
In the Karnataka High Court
Case No : Writ Petition No. 40743 of 2010

Thirumal Recreation Association

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 16-12-2010

Acts Referred:

Citation : (2010) 12 KAR CK 0053

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Nishith Kumar Shetty, for the Appellant; Sangamesh G. Pagtil, AGA, for the Respondent

Judgement

Mohan Shantanagoudar, J.—Learned AGA is directed to take notice on behalf of Respondents.

2. This petition is filed seeking a direction to the Respondents not to insist upon the Petitioner to obtain the licence to carry on the lawful activities in the premises of the Petitioner's Association either under the Police Act or under the provisions of Licencing and Controlling of Places of Public Amusement Order and not to interfere in the play of games like chess, carrom, snooker, rummy, snooker, etc., which are the games of skill.

3. The issue is no more res Integra. It is covered by the two decisions of this Court. The order, dated 12th February, 2002 passed in Writ Petition No. 1764 of 2002, reads as follows:

3...I hold that the Petitioner's Association is not required to obtain any license under the Licensing and Controlling of Places of Public Amusements (Bangalore City) Order 1989, for the purpose of running outdoor and indoor games, music and dance, yoga and other cultural or recreational activities. However, if the Petitioner found to be indulging in any other unlawful activities, this Order will not come in the way of authorities taking appropriate action in accordance with law.

The order, dated 30th November, 2004 passed in Writ Petition No. 37228 of 2004, reads as follows:

4...the writ petition is allowed, declaring that there is no necessity for the Petitioner to obtain the licence to play six colours game. However, there is no impediment for the Respondents to inspect the premises of the Petitioner and to take action in accordance with law, if the Petitioner or its members have to carry on any illegal activities.

4. In view of the afore-extracted order, I have no hesitation in allowing this petition by directing the Respondents not to insist upon the Petitioner to obtain licence for the play of games like chess, carrom, snooker, rummy, snooker, etc., in the premises either under the Karnataka Police Act, 1963 or the Rules or Orders framed thereunder.

5. However, it is made clear that the Respondents shall take appropriate action against the Petitioner in accordance with law, if it is found indulging in any unlawful, immoral or forbidden activities.

6. No order as to costs.

7. Writ petition is disposed of accordingly.

8. Sri Sangamesh G. Patil, learned AGA is permitted to file his memo of appearance within one week.