

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28th DAY OF NOVEMBER, 2014

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEEER

WRIT PETITION No.54288 OF 2014 (GM-POLICE)

BETWEEN:

SRI RAKSHA RECREATION ASSOCIATION (R)
SHAVAMI TOWERS,
PADUBIDRI, NADSAL VILLAGE,
UDUPI DISTRICT
REP. BY ITS PRESIDENT
SRI SHARSCHANDRA
S/O ISHWARA, AGED 66 YEARS
HOUSE NO.3-9-709 (4)
NEAR PADAVU HIGH SCHOOL,
VIVEKANANDA ROAD, NANTHOOR,
MANGALORE, D.K.DISTRICT
PIN 575004.

... PETITIONER

(BY SRI G. RAVISHANKAR SHAstry, ADV.)

AND

1 SUPERINTENDENT OF POLICE,
UDUPI DISTRICT,
UDUPI 576101

2 INSPECTOR OF POLICE
PADUBIDRI,
UDUPI DISTRICT 576101 ... RESPONDENTS

(BY SRI VIJAY KUMAR.A.PATIL, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT,
PROHIBITING THE RESPONDENTS FROM INTERFERING WITH

DAY-TO-DAY ACTIVITIES OF THE PETITIONER AND FROM CAUSING DISTURBANCE OR OBSTRUCTION IN THE SMOOTH RUNNING OF THE PETITIONER ASSOCIATION.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT PASSED THE FOLLOWING:

O R D E R

Learned High Court Government Pleader is directed to take notice for the respondents.

2. I have heard the learned counsel for the parties.

3. The point in the issue is covered by the decision of this Court in **W.P.No.30071/2014 dated 15-10-2014 (between The Media N Members Club vs. State of Karnataka and Others)**. In that case, this Court issued the following directions:-

“(i) The petitioner shall install within a period of six weeks, CC TV cameras, at all the places of access to its members and also

at all the places, wherein game(s) is / are played by the members. The CC TV footage of atleast prior 15 days' period shall be made available by the petitioner, to the police, as and when called upon to do so.

- (ii) The petitioner shall issue identity card(s) to all its member(s), which shall be produced by the member(s), when called upon by the police, during the raid(s) and surveillance etc.*
- (iii) The petitioner shall not allow any non-member(s) or the guest(s) of the member(s), to make use of its premises for the purpose of playing any kind of game(s) or recreational activities.*
- (iv) The petitioner shall not permit any activity by any of its member(s), by indulging in acts of amusement, falling*

within the definition of Ss.2(14) & 2(15) of the Act and shall not permit any game(s) of chance as per Explanation (II) of Sub-section (7) of Section 2 of Karnataka Police Act, 1963. The member(s) shall not be allowed to play any kind of game(s) with stakes or make any profit or gain out of the game(s) played.

- (v) *The petitioner shall put proper mechanism in place and shall ensure that no game(s) is played in any unlawful manner by the member(s). If the police find that game(s) played is contrary to any law and in violation of the settled practice, it is open to them to take action against petitioner and the offenders, in accordance with law.*
- (vi) *The jurisdictional police shall have liberty to visit premises periodically*

and/or on receipt of any information about any unlawful activity being carried on in the petitioner's premises.

(vii) *The respondents are directed not to interfere with the lawful recreational activities carried on by the members of the petitioner – Club / Association.*

(viii) *It is made clear that this order would not come in the way of the jurisdictional police invoking the provisions of the Act and taking action in accordance with law, if the member(s) of the petitioner are found to have indulged in any unlawful or immoral activities.”*

This writ petition is also disposed of in the aforesaid terms.

4. Learned High Court Government Pleader is permitted to file memo of appearance within a period of

eight weeks from the date of receipt of a copy of this
order. No costs.

Sd/-
JUDGE

KLY/