

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF JANUARY 2016

BEFORE

THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI

WRIT PETITION No.1663/2016 (GM-POLICE)

BETWEEN:

Sri Vivekananda Sahithya, Samukruthi  
And Kreedha Kendra ®  
Sy.No.182/1, Nagenahalli Village,  
Kasaba Hobli, Near Prajwal Restaurant,  
Mysuru-Bengaluru Road,  
Mysuru Taluk,  
Represented by its President  
Sri K.Manjunath Kumar.

...Petitioner

(By Sri O.Shivarama Bhat, Advocate)

AND:

1. State of Karnataka,  
Represented by its Secretary,  
Department of Home,  
Vidhana Soudha, Dr.Ambedkar Veedhi,  
Bangalore – 560 001.
2. The Commissioner of Police,  
Mysore City, Mysore – 570 010.
3. Circle Inspector of Police,  
Vijayanagar Police Station,  
Mysore – 570 017.

4. The Sub-Inspector of Police,  
Vijayanagar Police Station,  
Mysore – 570 017. ... Respondents

(By Sri Kiran Kumar T.L., AGA)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the R-2 to R-4 not to insist the petitioner to obtain the license either under Karnataka Police Act or under the Provisions of Licensing and Controlling of Places of Public Amusement Act/Order 2002 to run the activities of the petitioner Club which is engaged in conducting indoor and outdoor games like football, volley ball, badminton, chess and carom rummy etc. and other allied games in the petitioner Club and other allied games in any manner whatsoever.

This writ petition coming on for preliminary hearing this day, the Court made the following:

### **ORDER**

Sri Kiran Kumar T.L., the learned Additional Government Advocate is directed to take notice for the respondents.

2. Both the learned advocates fairly and jointly submit that the matter is covered by this Court's order, dated 3.11.2015 passed in W.P.No.45470/2015.

3. In terms of the said order, I dispose of this petition with the following order:

- (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 games are played by the members. The CC TV footage of the previous 15 days' period shall be maintained by the petitioner at all times and shall be exhibited to the police, as and when called upon to do so.
- (ii) The petitioner shall issue identity cards to all its members, which shall be produced by the members when called upon by the police, during their surveillance visits.
- (iii) The petitioner shall not allow any non-members or the guests of the members, to make use of its premises for the purpose of playing any kind of games or recreational activities.
- (iv) The petitioner shall not permit any activity by any of its members, by indulging in acts, falling

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

- (v) The petitioner shall put in place a proper mechanism to ensure that no games are played in any unlawful manner by the members. If the police find that games played are contrary to any law and in violation of the settled practice, it is open to them to take action against the petitioner and the offenders, in accordance with law.
- (vi) The jurisdictional police shall have liberty to visit the petitioner's premises periodically 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.
- (viii) It is made clear that this order would not come in the way of the jurisdictional police invoking the provisions of the KP Act and taking action in accordance with law, if the members of the petitioner are found to have indulged in any unlawful or immoral activities.

**Sd/-  
JUDGE**

MD