

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER, 2018

BEFORE

THE HON'BLE MR. JUSTICE B.VEERAPPA

WRIT PETITION NO.46895/2018 (GM-POLICE)

BETWEEN:

SRI. LAKSHMIRANGANATHA RECREATION ASSOCIATION
NO. 03 (OLD NO.7),
POORNAIAH CHATRAM ROAD,
1ST CROSS ROAD, BALEPET,
BENGALURU-560 053,
REPRESENTED BY ITS SECRETARY,
MR. A. N. DINESH
AGED ABOUT 55 YEARS,
S/O. LATE SUNIL GOWDA,
R/O. 561, 75 "C" CROSS,
6TH BLOCK, RAJAJINAGAR,
BANGALORE-560 010.

... PETITIONER

(BY SRI: VINAYAKA RAYKAR FOR
SRI: MOHD USMAN SHAIKH, ADVOCATES)

AND:

1. STATE OF KARNATAKA BY
THE HOME SECRETARY,
OFFICE OF THE HOME SECRETARY,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE COMMISSIONER OF POLICE

OFFICE OF THE COMMISSIONER OF POLICE,
NO.1, INFANTRY ROAD,
BANGALORE-560 001.

3. ADDITIONAL COMMISSIONER OF POLICE (CRIME)
OFFICE OF ADDITIONAL COMMISSIONER OF POLICE,
NO.1. INFANTRY ROAD,
BENGALURU-560001
4. DEPUTY COMMISSIONER OF POLICE
OFFICE OF THE DEPUTY COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,
N.T. PET CIRCLE,
BANGALORE-560 002.
5. INSPECTOR OF POLICE
UPPARPET POLICE STATION,
MAJESTIC, DHANAWANTARI ROAD,
BANGALORE-560 053. ... RESPONDENTS

(BY SRI: VIJAYKUMAR A. PATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO RESTRAIN THE RESPONDENTS FROM INTERFERING IN THE DAY-TO-DAY RECREATIONAL ACTIVITIES CARRIED BY THE PETITIONER ASSOCIATION AT THE SCHEDULE PREMISES; DECLARE THAT RESPONDENT POLICE SHALL BE HAVING NO RIGHT TO VISIT THE PETITIONER ASSOCIATION OF THEIR OWN UNLESS REGISTERING COGNIZABLE OFFENCE AGAINST THE MEMBER OR PETITIONER ASSOCIATION. GRANT AN INTERIM ORDER DIRECTING THE RESPONDENTS TO NOT TO INTERFERE WITH THE DAY-TO-DAY RECREATIONAL ACTIVITIES OF THE PETITIONER ASSOCIATION CARRIED IN THE SCHEDULE PREMISES, PENDING DISPOSAL OF THE ABOVE WRIT PETITION.

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

ORDER

Learned Additional Government Advocate is directed to take notice for respondent Nos.1 to 5.

The petitioner in the above writ petition has sought to issue a writ or order or direction in the nature of prohibition restraining the respondents from interfering in the day-to-day recreational activities carried by the petitioner association at the schedule premises and declare that respondent police shall be having no right to visit the petitioner association of their own unless registering cognizable offence against the member of petitioner association and further to direct the respondents not to insist the petitioner to obtain the license from the provisions of Licensing and Controlling of Places of the Public Amusement Order with the recreational activities to be carried on by the members of the petitioner's Association.

2. It is contended by the petitioner that it is an Association registered under the Karnataka Societies Registration Act, 1960.

The object of the Association is to provide facilities for recreation and entertainment such as conduct outdoor and indoor games like rummy, chess, carom, billiards/snooker, skilled games etc. The respondent police are interfering with the functioning of the Association without any legal basis. The petitioner Association is not required to obtain any license from the respondents under any provisions of law, and therefore, prayed for the relief sought for.

3. I have heard the learned counsel for the parties to the lis.

4. Sri Vinayaka Raykar, learned counsel for the petitioner, reiterating the grounds urged in the writ petition, contended that the petitioner is running recreational activities and is not indulged in any illegal activities and therefore, respondents cannot insist or interfere with the petitioner's legal activities. The conduct of the respondents is illegal and therefore, sought to allow the writ petition.

5. Per contra, Sri Vijaykumar A. Patil, learned Addl. Government Advocate, submits that the respondents will not

interfere with the recreational activities of the petitioner, if conducted legally. Only if the petitioner indulges in illegal activities, then the respondents will take action in accordance with law. The said submission is placed on record.

6. In view of the above, the present writ petition is **disposed of** with 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 any of the game/s played is/are contrary to any law and in violation of the settled practice, it is open for 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.

Ordered accordingly.

Sd/-
JUDGE

*mn/-