



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE R DEVDAS**

**WRIT PETITION NO. 19804 OF 2023 (GM-POLICE)**

**BETWEEN:**

CHANDRA GYMKHANA INSTITUTE (REGD.),  
NO 1, 8TH CROSS, 2ND STAGE,  
CHANDRA LAYOUT, BENGALURU - 560 040,  
REPRESENTED BY ITS SECRETARY,  
SRI. B. SHIVANNA.

...PETITIONER

(BY SRI. VINAYAK KULKARNI, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF HOME,  
VIDHANA SOUDHA,  
BENGALURU - 560 001.
2. THE SUPERINTENDENT OF POLICE,  
BENGALURU CITY POLICE,  
CUNNINGHAM ROAD,  
BENGALURU - 560 003.
3. THE INSPECTOR OF POLICE,  
CHANDRA LAYOUT POLICE STATION,  
BENGALURU CITY POLICE,  
VIJAYANAGAR, BENGALURU - 560 040.



4. THE CENTRAL CRIME BRANCH OF POLICE,  
COTTONPET MAIN RD, SULTANPET,  
BAKSHI GARDENS, CHICKPET,  
BENGALURU, KARNATAKA - 560 053.

...RESPONDENTS

(BY SRI. MANJUNATH K, HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO i) DIRECTING THE RESPONDENTS NOT TO INSIST THE PETITIONER TO OBTAIN LICENSE UNDER KARNATAKA POLICE ACT OR UNDER LICENSING AND CONTROLLING OF PLACES OF PUBLIC AMUSEMENT FOR PLAYING OF SKILL GAMES LIKE CHESS, SNOOKER, CAROM, ELECTRONIC COIN GAMES, PENTASTIC-3, THREE DIES BOWLING, (IS NEWLY KNOWN AS SKILLED ELECTRONIC GAME) POKER, WALL GAME, SIX COLOUR GAMES, RUMMY ETC., IN THE PREMISES OF THE PETITIONER ASSOCIATION AND ETC.,

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

**ORDER**

**R.DEVDAS J., (ORAL):**

Heard the learned counsel for the petitioner and learned High Court Government Pleader.

2. The petitioner is before this Court praying for issuance of a writ of mandamus thereby directing the



respondents not to insist upon the petitioner to obtain license for the recreation activities conducted by the petitioner in the schedule premises either under the Karnataka Police Act, 1963 or under the Licensing and Controlling of the Places of Public Amusement Order, 1970.

3. Learned counsel for the petitioner would submit that, this Court in similar matters has been pleased to dispose of the writ petitions granting the relief.

4. Learned High Court Government Pleader would submit that the writ petition could be disposed of in terms of the order passed by this Court on 28.11.2018 while disposing of W.P.No.50923/2018.

5. The submission of the learned High Court Government Pleader is placed on record. If any illegal or unlawful activities are conducted or permitted in the petitioner's premises, it is always open for the respondents to initiate such action as permitted under law.



6. The learned counsel for the petitioner has brought to the notice of this Court a judgment passed by the Division Bench of this Court at Kalaburgi, in W.A.No.20090/2015 in the case of D.V.R. Recreation Club Vs State of Karnataka, disposed of on 27.06.2016 and further order issued on a review petition in the same matter on 19.10.2016. In view of the subsequent directions issued by the Hon'ble Division Bench, the present writ petition is disposed of with the following directions:

- a. 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 at least prior 15 days' period shall be made available by the petitioner, to the police, as and when called upon to do so.
- b. 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.

- c. 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, except games of skills.
- d. 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.



- e. 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.
- f. The respondents are directed not to interfere with the lawful recreational activities carried on by the members of the petitioner – Club/Association.
- g. 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**

rv  
CT: BHK