

Karnataka High Court The Media N Members Club vs State Of Karnataka on
15 October, 2014 Author: A.N.Venugopala Gowda 1

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15TH DAY OF OCTOBER, 2014
BEFORE

THE HON'BLE MR. JUSTICE A.N. VENUGOPALA GOWDA

WRIT PETITION NO.30071/2014 (GM-POLICE)

BETWEEN:

THE MEDIA N MEMBERS CLUB, A RECREATION CLUB REGISTERED
UNDER THE SOCIETIES ACT, HAVING ITS OFFICE AT NO.509/11, 10TH
CROSS, RAJ MAHAL VILAS EXTENSION, BANGALORE - 560 020, REP-
RESENTED BY ITS SECRETARY SRI HARIRAJ SHETTY S/O VASAN-
THARAM SHETTY, AGED 50 YEARS. ... PETITIONER

(BY SRI N. RAVINDRANATH KAMATH, ADV.)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. THE COMMISSIONER OF POLICE
INFANTRY ROAD,
BANGALORE - 560 001.
3. THE JOINT COMMISSIONER OF POLICE
(LAW & ORDER)
INFANTRY ROAD,
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BANGALORE - 560 001.
4. THE JOINT COMMISSIONER OF POLICE (CRIME) INFANTRY
ROAD, BANGALORE - 560 001.
5. THE DEPUTY COMMISSIONER OF POLICE CENTRAL RANGE,
BANGALORE - 560 001.
6. THE DEPUTY COMMISSIONER OF POLICE CCB, BANGALORE -
560 001.

7. THE ASSISTANT COMMISSIONER OF POLICE, SESHADRIPURAM
SUB DIVISION, BANGALORE - 560 020.
8. THE INSPECTOR OF POLICE SADASHIVANAGAR, BANGALORE -
560 020. ... RESPONDENTS

(BY SRI VIJAYKUMAR A. PATIL, HCGP)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227

OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS NOT TO INSIST THE PETITIONER TO OBTAIN THE LICENCE TO CARRY ON LAWFUL ACTIVITIES IN THE PREMISES OF THE PETITIONER - ASSOCIATION EITHER UNDER THE LICENSING AND CONTROLLING OF PLACES OF PUBLIC AMUSEMENT ORDER OR UNDER THE KARNATAKA POLICE ACT AND NOT TO INTERFERE WITH THE RECREATIONAL AND OTHER LAWFUL ACTIVITIES CARRIED ON IN THE PETITIONER'S PREMISES.

THIS PETITION COMING ON FOR PRELIMINARY HEARING

IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING: 3

ORDER

Heard Sri N. Ravindranath Kamath, learned advocate for the petitioner and Sri Vijaykumar A. Patil, learned HCGP for the respondents and perused the writ record. 2. Undisputedly, this writ petition is identical to W.P.No.31043/2014 (Chelooru Merchant and Official Recreation vs. The Government of Karnataka, by its Secretary) decided on 09.10.2014. 3. All the points raised by both sides stand covered by the order referred to hereinabove and hence, a further examination of the same is unnecessary. Following the aforesaid order and for the reasons recorded therein, this writ petition is disposed of in similar terms, namely: (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 at least 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. No costs. Sd/- JUDGE ca