

Karnataka High Court M.R.Recreation Club (R) vs The State Of Karnataka
on 23 March, 2017 Author: A.S.Bopanna IN THE HIGH COURT OF KAR-
NATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2017

BEFORE

THE HON'BLE MR. JUSTICE A.S.BOPANNA

WRIT PETITION NO.12500/2017(GM-POLICE)

BETWEEN :

M.R. Recreation Club (R.) Door No. 3-100(A), Basement Floor, Madanthyar
Maladi Village, Belthangdy Taluk, D.K. District. Rep. by its Presi-
dent, Mr. Monappa Poojary, S/o Annu Poojary, Aged about 46 years.
...PETITIONER

(By Sri. Nishit Kumar Shetty, Adv.)

AND :

1. The State of Karnataka, By its Secretary, Home Department, Vidhana
Soudha, Bangalore - 560 001.
2. The Superintendent of Police, Dakashina Kannada District, Mangalore -
576 101. -2-
3. The Additional Superintendent of Police, Dakashina Kannada District,
Mangalore - 576 101.
4. The Deputy Superintendent of Police, Bantwal Division (Law & Order),
D.K. - 574 153.
5. The Inspector of Police, D.C.I.B. Squad, Mangalore - 576 104.
6. The Inspector of Police, Belthangady Circle, D.K. District - 574 214.
7. The Sub Inspector of Police, Punjalkatte Police Station, Belthangady
Taluk, D.K. District - 576 101. ...RESPONDENTS

(By Smt. Prathima Honnapura, HCGP.)

. . . .

This writ petition is filed under Articles 226 and

227 of the Constitution of India praying to declare that the petitioner is not required to obtain any permission or license under the Provisions of Licensing and Controlling of places of the public amusement order and etc.

This writ petition coming on for preliminary

hearing, this day, the Court made the following: -3-

ORDER

Learned Government Advocate to accept notice for respondents No.1 to 7 and file memo of appearance in four weeks. 2. The petitioner is before this Court seeking for issue of mandamus or any other appropriate writ in the manner as has been sought in the petition. 3. The issue which has been raised in the instant petition has already been considered by this Court in W.P.No.30071/2014 dated 15-10-2014 (The Media N Members Club vs. State of Karnataka and Others) wherein the petition was 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 games(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. Sd/- JUDGE SPS/bms