IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT PETITION NO.200911 OF 2025 (GM-POLICE)

BETWEEN:

1. TRISHA RECREATION CLUB,
NO.2-276, TIPNATGI,
TQ. SHORAPUR,
DIST. YADGIRI-585 216,
REPRESENTED BY ITS PRESIDENT,
GIRISH S/O BEERANNAMALGATTI,
AGE: 38 YEARS, OCC: BUSINESS,
R/O MALGATTI VILLAGE,
TQ. SHORAPUR, DIST. YADGIRI.

…PETITIONER

(BY SRI. MAHADEV S. PATIL, ADVOCATE)

Digitally signed by BASALINGAPPA SHIVARAJ DHUTTARGAON
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
THROUGH HOME DEPARTMENT,
BENGALURU.

2. THE SUPERINTENDENT OF POLICE,
CHITTAPUR ROAD, YADGIRI-585 202.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
SHORAPU-585 224.

4. THE CIRCLE INSPECTOR OF POLICE,
HUNASAGI CIRCLE-585 215.

5. THE SUB-INSPECTOR OF POLICE,
KEMBHAVI POLICE STATION,
TQ.SHORAPUR, DIST. YADGIRI-585 216.

…RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF PROHIBITION OR ANY OTHER APPROPRIATE WRIT OR ORDER, PROHIBITING RESPONDENT NO.2 TO 5 FROM INTERFERING IN DAY TO DAY AFFAIRS OF PETITIONERS CLUB AND ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER, DIRECTING THE RESPONDENT NO.2 TO 5 TO PERMIT TO COMMENCES THE RECREATION CLUB ACTIVITIES NOT INSIST/COMPEL THE PETITIONER CLUB TO SECURE A LICENSE FOR LEGAL ACTIVITIES OF CLUB AS MENTIONED ABOVE.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

Learned Additional Government Advocate takes notice for the respondents.

2. Though the matter is listed for preliminary hearing, with the consent of learned counsel for the

petitioner and the learned Additional Government Advocate, they are heard for final disposal.

3. Petitioner claims to be an association incorporated under the Companies Act, 2013, governed by its byelaws. According to the petitioner, the Club was formed to provide to the members a meeting place for recreation, entertainment, pastime and social contact and to promote sports of all kinds both indoor and outdoor, both Indian and Western, particularly Tennis, games of intelligence, games of skill and Art.

4. The grievance of the petitioner is that, respondents herein are unlawfully interfering with the running of the day to day activities of the Club and therefore, the petitioner is before this Court.

5. Learned counsel for the petitioner has placed reliance on the decision of the Division Bench of this Court in Writ Appeal No.200290/2015 (GM-POLICE) dated 27.06.2016, wherein certain guidelines are issued with regard to running of gaming houses.

6. Learned Government advocate submits that the issue is covered.

7. This petition is also disposed of on the same terms and conditions as under:

(i) The petitioner shall install CCTV 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 within a period of six weeks. The CCTV footage of at least prior 15 days' period shall be made available by the petitioner to the jurisdictional 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 concerned police, during the raid(s), surveillance, etc.

(iii) 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) and 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. Except games of skill, the member(s) shall not be allowed to play any kind of game(s).

(iv) 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 jurisdictional police find that the game(s) played is/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.

(v) 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.

(vi) The respondents are directed not to interfere with the lawful recreational activities carried on by the members of the petitioner's club/association.

(vii) 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 is/are found to have indulged in any unlawful or immoral activities.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

LG
List No.: 2 Sl No.: 36