

GAHC030005292024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/3/2024

Sh. Raju Pun
S/o Late N.B. Pun, House No. N - 81(8), Bungkawn Venglai, Near Lal Office,
Aizawl, Mizoram - 796001

VERSUS

State of Mizoram and 10 Ors.
R/b the Chief Secretary to the Govt. of Mizoram, New Secretariat Complex, Aizawl,
Mizoram. PIN - 796001 2:State Lottery Committee
through its Chairman
Principal Secretary
Finance Dept.

3:The Secretary
Finance Dept. (Administrative Head)
(Designated Authority)

4:The Commissioner
Finance Dept.

5:The Additional Secretary to the Govt. of Mizoram
Finance Dept.

6:The Director
Institutional Finance and State Lottery

7:Union of India
through the Secretary Home
Ministry of Home Affairs

8:M/s Skill Lotto Solutions Pvt. Ltd.

9:M/s B. S. Enterprise

10:M/s Teesta Distributors

11:M/s Summit Online Trade Solutions Pvt. Ltd

Linked Case : I.A.(Civil)/157/2024

M/s Skill Lotto Solutions Pvt. Ltd. through Sh. Ashutosh Singh
Shop No.6
Ground Floor
Rayala Tower
Chennai

VERSUS

Sh. Raju Pun and 10 Ors.
House NO. N 81(8)
Bungkawn venglai
Near Lai House
Aizawl

2:State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram
Aizawl

3:State Lottery Committee through its Chairman
Principal Secretary
Finance Department
New Secretariat Building
Khatla
Aizawl

4:The Secretary
Finance Department
Khatla Aizawl

5:The Commissioner
Finance Department

Aizawl

6:The Additional Secretary to the Govt. of Mizoram
Finance Department
Aizawl

7:The Director
Institutional Finance and State Lottery
Aizawl

8:Union of India through the Secretary
Home
Ministry of Home Affairs
New Delhi

9:M/S/ B.S. Enterprise
210
Bhakti Park
RHB Road
Cross SL Road Junction
Mumbai

10:M/s Teesta Distributors
Peace Villa
Beside PWD Building
Tuikhuahtlang
Aizawl

11:M/s Summit Online Trade Solutions Pvt. Ltd.
Building No.5
DLF Epitome
16th Floor
Tower-B
Harayana

For the petitioner(s) : Mr. D. Mazumdar, Sr. Advocate
Mr. Sandeepjoy, Advocate

For the respondent (s) : Ms. Lalnunhui, Addl. A.G., Mizoram
Mr. B. Lalramenga, Advocate
Ms. Zairemsangpuii, CGC
Mr. J. Rohmingthanga, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

22.10.2024

(D. Baruah, J.)

Heard Mr. D. Mazumdar, the learned senior counsel assisted by Mr. Sandeepjoy, the learned counsel for the petitioner. Ms. Lalnunhui, the learned Additional Advocate General appears on behalf of the State of Mizoram; Ms. Zairemsangpuui, the learned CGC appears on behalf of the Union of India; Mr. S. Dutta, the learned senior counsel assisted by Mr. Sandeepjoy, the learned counsel appears on behalf of the respondent No.8 and Mr. J. Rohmingthanga appears on behalf of the respondent No.10.

2. By the present Public Interest Litigation, the Petitioner who is a resident of Mizoram has primarily challenged the acts on the part of the respondent No.8 to sell paper lottery in digital mode which as per the Petitioner is contrary to the Lotteries (Regulation) Act, 2008 as well as the directions issued by the Ministry of Home Affairs. However, it is seen that the Petitioner before filing the instant Public Interest Litigation had not approached or filed any representation before the Ministry of Home Affairs, Government of India.

3. Mr. D. Mazumdar, the learned senior counsel appearing on behalf of the Petitioner submits that the Petitioner ought to have approached the Ministry of Home Affairs, Government of India first before filing of the present Public Interest Litigation. The learned senior counsel therefore submits that as the present Public Interest Litigation was filed without approaching the Ministry of

Home Affairs, Government of India, it would be in the interest of justice that the Petitioner be permitted to approach the Ministry of Home Affairs, Government of India and if so aggrieved can approach the appropriate forum.

4. We have given our anxious consideration to the respective submissions of the learned counsels for the parties and taking into account that it is a requirement of law that for entertaining a Public Interest Litigation or seeking a writ in the nature of mandamus that the Petitioner should have approached the authorities concerned, we are of the opinion that the present Public Interest Litigation is pre-matured. Accordingly, we close the present Public Interest Litigation.

5. Liberty however is given to the Petitioner to approach the Ministry of Home Affairs, if so advised.

6. Before parting with the records, we would like to make it clear that we have not expressed any opinion as regards the locus standi of the Petitioner taking into account the stand taken by the senior counsel for the Petitioner that the Petitioner would be well advised to approach the Ministry of Home Affairs, Government of India.

JUDGE

JUDGE

Comparing Assistant