

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C) .No. 20533 of 2015 (N)

PETITIONER(S) :

SHIVAJI TATOBA YAMAGAR,
A-1, BHAGIRATHI VILLA CHS LTD., AMRUT NAGAR,
GHATKOPAR WEST, MUMBAI - 400 086.

BY ADVS.SRI.ANIL SIVARAMAN
SMT.RAJI VINCENT.

RESPONDENT(S) :

1. THE STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE SECRETARY TO THE GOVERNMENT OF KERALA,
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
3. THE DIRECTOR OF THE KERALA STATE LOTTERIES,
DIRECTORATE OF STATE LOTTERIES, VIKAS BHAVAN,
THIRUVANANTHAPURAM-695 033.

BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXHIBIT-P1: TRUE COPY OF THE LOTTERY TICKET NO.MC-104736.
EXHIBIT-P2: TRUE COPY OF COVERING LETTER 15.07.11.
EXHIBIT-P3: TRUE COPY OF STAMPED PAYEES RECEIPT.
EXHIBIT-P4: TRUE COPY OF PETITIONER'S PAN CARD.
EXHIBIT-P5: TRUE COPY OF NOTARISED AFFIDAVIT.
EXHIBIT-P6: TRUE COPY OF LETTER OF 3RD RESPONDENT DATED 19.07.11.
EXHIBIT-P7: TRUE COPY OF LETTER DATED 19.08.2013.
EXHIBIT-P8: TRUE COPY OF REPLY OF 3RD RESPONDENT DATED 26.08.13.
EXHIBIT-P9: TRUE COPY OF JUDGMENT DATED 3.12.13 IN WP(C) 14675/12.
EXHIBIT-P10: TRUE COPY OF LETTER DATED 11.01.14.
EXHIBIT-P11: TRUE COPY OF REPLY OF 3RD RESPONDENT DATED 24.01.14.
EXHIBIT-P12: TRUE COPY OF LEGAL NOTICE DATED 31.05.2014.
EXHIBIT-P13: TRUE COPY OF REPLY OF 3RD RESPONDENT DATED 20.6.14.
EXHIBIT-P14: TRUE COPY OF NOTICE U/S 160 CR PC DATED 31.7.14.
EXHIBIT-P15: TRUE COPY OF JUDGMENT DATED 11.08.14 IN WP(C) 32108/11.
EXHIBIT-P16: TRUE COPY OF JUDGMENT DATED 29.05.14 IN WP(C) 13331/14.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J

W.P(C) No. 20533 of 2015 N

Dated this the 11th day of August, 2015

J U D G M E N T

The petitioner is before this Court claiming the prize amount, which they admittedly obtained by virtue of the purchase of lottery tickets produced as Ext.P1.

2. The learned Senior Government Pleader appears for the respondents and submits that, there was an enquiry with respect to the prized lotteries against which claims were made by the residents outside the State; on an allegation of money laundering activities being carried on. However, in an earlier litigation of a similar nature, a learned single Judge of this Court held that, there is no provision by which the State could carry on such enquiry and keep in abeyance the disbursement of the prize amounts. The said decision was approved by a Division Bench in W.A No.1010 of 2014.

3. The learned Government Pleader would submit that disbursement would be made in accordance with the judgment in W.A No.1010 of 2014 dated 10.10.2014 within a period of one month from the date of receipt of a certified copy of this judgment. In such circumstance, the respondents are directed to disburse the prize amount after deducting the tax due at source, in accordance with law, within a period of one month from the date of receipt of a certified copy of this judgment.

The writ petition is disposed of.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge