

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 21582 of 2015 (W)

PETITIONER(S):

**NILIMA PRAMODH KHAIRKAR,
AGED 47 YEARS, SON OF PRAMOD SHAMKANT KHAIRKAR,
RESIDING AT FLAT NO.106, JAGAT MILLENIUM,
OPPOSITE RTO OFFICE, AMRAVATI ROAD, GIRI PETH,
NAGPUR - 440 010.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. THE DIRECTOR OF STATE LOTTERIES,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, KERALA - 695 033.**
- 2. DIRECTORATE OF STATE LOTTERIES,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM KERALA - 695 033.**
- 3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
TAXES (H) DEPARTMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE TICKET NO.PG 306172 OF PRATHEEKSHA LOTTERY

EXT.P2. TRUE COPY OF THE COMMUNICATION DATED 18/11/2011 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P3. TRUE COPY OF THE COPY OF PAN CARD ISSUED TO THE PETITIONER WHICH WAS FORWARDED TO THE 1ST RESPONDENT.

EXT.P4. TRUE COPY OF THE AFFIDAVIT THAT THE PETITIONER HAD SWORN TO THE EFFECT THAT SHE IS THE BONA FIDE PURCHASER AND HOLDER OF EXHIBIT P1 TICKET AND THAT THE SAID LOTTERY IS GENUINE THAT HAS WON THE 1ST PRIZE.

EXT.P5. TRUE COPY OF THE PASSPORT OF THE PETITIONER.

EXT.P6. TRUE COPY OF THE COMMUNICATION DATED 01.12.2011 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P7. TRUE COPY OF THE COMMUNICATION DATED 21.03.2012 SENT BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P8. TRUE COPY OF THE COMMUNICATION DATED 20.03.2012 SENT BY THE 1ST RESPONDENT TO THE PETITIONER .

EXT.P9. TRUE COPY OF THE REPLY LETTER DATED 12/04/2012 ISSUED BY THE PETITIONER TO EXHIBIT P8.

EXT.P10. TRUE COPY OF THE REMINDER SENT BY THE PETITIONER ON 04/03/2013.

EXT.P11. TRUE COPY OF THE REMINDER SENT BY THE PETITIONER ON 15/02/2014.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

K. VINOD CHANDRAN, J.

=====

W.P.(C) No.21582 of 2015 - W

=====

Dated this the 6th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with the non-disbursal of the prize amount of a lottery ticket issued by the Government of Kerala.

2. The learned Government Pleader appears and submits that there is an enquiry going on with respect to the purchase of lottery tickets by persons from outside the State. The issue is no longer res integra, since, a Division Bench of this Court has considered the same in W.A No.1010 of 2014 dated 10.10.2014, paragraph 5 of which is extracted hereunder:-

5. The learned single Judge has looked into the entire materials and has held that though the ticket can be sold only in the State of Kerala, there is no inhibition for any person residing outside Kerala for buying the lottery ticket from Kerala. It was also noted by the learned single Judge that inasmuch as the police investigation did not reveal any manipulation by the petitioner, the prized ticket

ought to have been honoured and the petitioner is eligible to be paid the money due under the ticket. We do not find any infirmity in that direction by the learned single Judge, though we may clarify that the finding of the learned single Judge in that regard or its affirmation hereby would not contradict or discharge any due investigation or other procedures in accordance with law, even as against the petitioner.

3. The same shall apply herein also. The prize amount shall be disbursed within a period of one month from the date of receipt of the certified copy of this judgment. The reservation with respect to the enquiry shall also apply in the case of the petitioner.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.