

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 26951 of 2010 (S)

PETITIONERS:

1. S.SULPHIKAR, AGED 31 YEARS, S/O. SUBAIR,
A J RESIDENCY, PALAYAM, NANDAVANAM P.O.,
THIRUVANANTHAPURAM.

2. M.SURESHKUMAR, A.28, "ABHAYA",
JAN VILLA LANE,SASTHAMANGALAM, THIRUVANANTHAPURAM.

BY ADVS.SRI.K.RAMAKUMAR (SR.)

SRI.S.M.PRASANTH

SRI.C.DINESH

SMT.ASHA BABU

SRI.G.RENJITH

SMT.AMMU CHARLES

SMT.JINNU SARA GEORGE

RESPONDENT(S)/RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, MINISTRY OF HOME AFFAIRS,
NEW DELHI-110001.

2. THE SECRETARY TO GOVERNMENT, TAXES
DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695001.

3. THE GOVERNMENT OF SIKKIM, REPRESENTED
BY ITS CHIEF SECRETARY, GANGTOK-737101,
SIKKIM STATE.

4. THE SECRETARY TO GOVERNMENT, DEPARTMENT
OF HOME, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695001.

5. THE DIRECTOR OF STATE LOTTERIES,
GOVERNMENT OF SIKKIM, GANGTOK-737101,
SIKKIM STATE.

6. MONICA DISTRIBUTORS PVT.LTD.,
REPRESENTED BY THE MANAGING DIRECTOR, P 46
HIDE ROAD EXTENSION, KOLKATTA 700 088,
WEST BENGAL.

7. MEGHA DISTRIBUTOR, REPRESENTED BY ITS
PROPRIETOR MR.JOHN KENNEDY, 15/650,
KUNNATHOOR MEDU,
COIMBATHOOR MAIN ROAD, PALAKKAD 678013.

8. THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS DIRECTOR, NEW DELHI-110 001.

R7 BY ADV. SRI.SIJO GEORGE

R1 BY ADV. SRI.T.P.M.IBRAHIM KHAN,
ASST.S.G OF INDIA

R8 BY ADV. SRI.M.V.S.NAMBOOTHIRY,SC, C.B.I.

R1 BY ADV. SRI.C.S.AJITH PRAKASH, CGC

R1 BY ADV. SRI.P.PARAMESWARAN NAIR,ASG OF INDIA

R2&4 BY SPECIAL GOVERNMENT PLEADER FOR TAXES
DR. SEBASTIAN CHAMPAPPILLY

R8 BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

R5 BY ADV. SRI.JOSE JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 03-03-2015, ALONG WITH WPC. 26952/2010, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 - TRUE COPY OF THE LETTER DATED 14/5/2010 FROM THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, ADDRESSED TO THE DIRECTOR (CS), MINISTRY OF HOME AFFAIRS.

EXT.P2 - TRUE COPY OF THE LETTER DATED 4/6/2010 ADDRESSED BY THE GOVERNMENT OF INDIA TO THE CHIEF SECRETARY, GOVERNMENT OF SIKKIM.

EXT.P3 - TRUE COPY OF THE LETTER DATED 26/6/2010 FROM THE PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, ADDRESSED TO THE DIRECTOR (CS), MINISTRY OF HOME AFFAIRS.

EXT.P4 - TRUE COPY OF THE PUBLICATION DATED 13/2/2010 OF THE TEHELKA MAGAZINE.

EXT.P5 - TRUE COPY OF THE REPRESENTATION DATED 10/8/2010 SUBMITTED BEFORE THE HON'BLE CHIEF MINISTER OF KERALA.

EXT.P6 - TRUE COPY OF THE COMMUNICATION DATED 25/6/2010 OF THE DIRECTOR OF LOTTERIES, SIKKIM.

EXT.P7 - TRUE COPY OF THE COMMUNICATION DATED 30/6/2010 OF THE 5TH RESPONDENT.

EXT.P8 - RESULTS OF THE SIKKIM LOTTERY PUBLISHED IN THE MALAYALA MANORAMA DAILY ON DIFFERENT DATES.

RESPONDENTS' EXHIBITS:

ANNEXURE R2(a) - TRUE COPY OF THE ORDER NO.S1/8530/11/DSL, DATED 21/11/2011.

ANNEXURE R2(b) - TRUE COPY OF THE LETTER NO.9995/H1/2010/T.D. DATED 18/5/2010.

ANNEXURE R2(c) - TRUE COPY OF THE LETTER NO.V-17014/2010-CSR.1 DATED 2/6/2011.

ANNEXURE R2(d) - TRUE COPY OF THE NOTIFICATION NO.GSR 883/E DATED 15/12/2011.

ANNEXURE R2(e) - TRUE COPY OF THE LETTER NO.28534/H1/2011/TD DATED 9/7/2014.

//true copy//

P.S. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

W.P.(c) Nos.26951 & 26952 of 2010-S

Dated this the 3rd day of March, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

These writ petitions are filed essentially in the nature of public interest litigation seeking judicial intervention on the premise that commissions and omissions which amount to offences punishable under different provisions of law are not being appropriately cared for by the competent authorities. Directions are sought for to the Central Bureau of Investigation to register cases and proceed with such investigation. With the passage of time, in both these cases, the C.B.I. has placed status reports disclosing the registration of certain cases in relation to the offences which fall within their jurisdiction and notification

parameters. It is also stated in those reports as to why the other matters could not be registered by the C.B.I. Obviously, therefore, what remains is that the competent authority dealing with the enforcement of the Lotteries (Regulation) Act, 1998 which is a Central enactment has to do the needful if there is a complaint as to violation of the provisions of that Act. However, such action will have to follow the due process in terms of the procedure prescribed as per that Act and the other guiding factors regulating such jurisdiction.

These writ petitions are, therefore, ordered recording the reports of the C.B.I. in both the cases and directing that the competent authorities shall attend any complaint made out in accordance with law.

These writ petitions are ordered accordingly.

Sd/-
(**THOTTATHIL B. RADHAKRISHNAN, JUDGE**)

Sd/-
(**K. HARILAL, JUDGE**)

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//true copy// P.S. to Judge