

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 02-02-2015

Coram

The Honourable Mr. Justice SATISH K. AGNIHOTRI

and

The Honourable Mr. Justice M. VENUGOPAL

W.A. No.3 of 2015

- 1 P.Senthilkumar
S/o.Perumal
86 Veera Padayachi Street
A-Valapadi Valapadi Post and Taluk
Salem District. Appellant/Petitioner in
WP.30156/15 on the file
of this court
- Vs
- 1 The Director
Directorate of State Lotteries P.B. No.6502
Thiruvananthapuram Kerala State.
- 2 The Manager
The Catholic Syrian Bank Ltd.
Olavakkot
Malampuzha Road Olavakkode Palghat-678002
Kerala State.
- 3 The Manager
Indian Overseas Bank Valapadi-2794
Salem District. ..Respondents in W.P.No.30156/14
on the file of this Court.

Writ Appeal under Clause XV of the Letters Patent to set aside the order in W.P.No.30156/2014 filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent relating to his letter No.PA.1/14239/11/2013/DSL dated 6.8.2014, quash the same and direct the first respondent to disburse the prize money of Rs.47,25,000/- to the petitioner through the third respondent by accepting the documents already submitted on 7.3.2014 and the petitioner's representations dated 27.7.2014 and 23.9.2014 without insisting the production of travel document and residency proof to the care of address furnished on the backside of the lottery ticket.

For Appellant : Mr. T.P. Kathiravan

JUDGMENT

(Judgment was delivered by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal arises from the order dated 19-11-2014 passed in W.P.No.30156/2014.

2. The case of the appellant is that the appellant purchased a lottery ticket issued by the Directorate of State Lotteries, Thiruvananthapuram, Kerala State at Palakkad. The appellant, claiming to be the holder of the prize winning ticket, seeks a direction to the first respondent to disburse the prize-money of Rs.75 lakhs through the third respondent-Bank by accepting the documents already submitted on 07-03-2014 and also considering his representation dated 27-07-2014 and 23-09-2014, without insisting the production of documents and residency proof.

3. It appears that a legal notice was sent to the first respondent calling upon him to transfer the prize-money within a period of two months from the date of receipt of notice. In response to the said notice, the first respondent sent a communication to the learned counsel for the appellant on 06-08-2014 stating therein that the other State people have the right to purchase the tickets of Kerala State Lotteries, who come to Kerala for business or as pilgrims. If they get the prize they have to produce the ticket with proper evidence. Hence, the appellant was required to submit the aforestated details. Being aggrieved, the appellant has come up with the writ petition seeking to quash the said communication and also with a direction, as aforestated.

4. The learned Single Judge, after examining all the facts of the case, came to the conclusion that no cause of action arose within the State of Tamil Nadu and as such, this Court has no jurisdiction to entertain the writ petition. Accordingly, the writ petition was dismissed as not maintainable granting liberty to the appellant to approach the appropriate High Court, i.e., Kerala High Court. Thereagainst, the instant appeal has been filed.

5. Admittedly, the sale of Kerala lottery is not permitted in the State of Tamil Nadu. Further, the appellant has purchased the relevant ticket at Palghat, in the State of Kerala. Only on the basis of the communication, which was sent pursuant to the notice of the appellant's advocate, the appellant claims that a part of cause of action has arisen within the State of Tamil Nadu.

6. The issue is no longer res integra. It has been held in a catena of decisions that the cause of action depends on a bundle of facts. Issue of cause of action depends on the facts of a particular case.

7. Examining the above facts, when sale of Kerala lottery is prohibited in the State of Tamil Nadu and the appellant has also not purchased the lottery ticket in the State of Tamil Nadu, his claim of cause of action on the basis of certain communication, cannot create even a part of cause of action, within the State of Tamil Nadu. The communication was sent after claim for grant of prize money, if any, was made after declaration of the result of lottery draw of lots.

8. Thus, we hold that no part of cause of action arose within the territorial jurisdiction of this Court. The view taken by the learned Single Judge is perfectly correct, valid and does not warrant any interference.

9. Accordingly, we dismiss the writ appeal, reserving liberty to the appellant to take recourse to the appropriate High Court having jurisdiction over the dispute. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Director
Directorate of State Lotteries P.B. No.6502
Thiruvananthapuram Kerala State.
 - 2 The Manager
The Catholic Syrian Bank Ltd.
Olavakkot
Malampuzha Road Olavakkode Palghat-678002
Kerala State.
 - 3 The Manager
Indian Overseas Bank Valapadi-2794
Salem District.
- + 1 cc to Mr.T.P. Karthiravan, Advocate Sr.5154

W.A. No.3 of 2015

JP (CO)
Eu 17.02.15