

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

Contempt Case No.1070 of 2015

ORDER:

The order of this Court, violation of which has resulted in the present Contempt Case being filed, is the common order passed in W.P.No.8782 of 2011 and batch dated 29.09.2011, whereby the respondents were directed not to interfere with any card game of Rummy (13 cards game), whatever be the stakes, being played in the clubs. This Court made it clear that the said order did not preclude the respondents from entering into these clubs, from taking action in terms of Section 5 of the A.P. Gaming Act, 1974 (for short "the Act"), and, thereafter, to initiate penal proceedings under Sections 3 and 4 for violation of the provisions of the Act. This Court also made it clear that the petitioners-clubs should cause no hindrance to the respondents in exercising their statutory powers under Section 5 or any other provisions of the Act.

It is not even the petitioner's case, in the present contempt proceedings, that they were prevented from playing Rummy. It is their case that Section 5 of the Act, which required the respondents to enter the club only with a warrant, has been violated; the respondents had entered the club premises; they had raided the club on 15.09.2014 and 10.02.2015; they had harassed several members present there; they had detained several members of the club for quite a long time in the club premises, and took some of the members to the police station also without there being any warrant for conducting such raids; and no case has been registered against the members.

The jurisdiction, which this Court exercises under the Contempt of Courts Act, is limited. The enquiry which this court would cause in such proceedings is limited to ascertaining whether the order of this Court has been violated; and whether the violation is willful and deliberate. It is only if the order of this Court has been violated willfully and deliberately, would this Court be justified in taking action

against the respondents under the Contempt of Courts Act.

The aforesaid order of this Court merely required the respondents not to prevent the petitioners from playing Rummy. The affidavit filed in support of the Contempt Case makes no mention of the petitioners having been prevented from playing Rummy. Their only grievance is of violation of Section 5 of the Act. Such a grievance can only be agitated in independent writ proceedings, and cannot be the subject matter of enquiry under the Contempt of Courts Act.

The Contempt Case fails and is, accordingly, dismissed. The Contempt Applications, pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

26th June 2015.
JSU

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Date: 26.06.2015

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