

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

WEDNESDAY THE NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26831 OF 2015

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Between:

Association for Brothers Club [ABC]
D.No.4-45, Mattolapally, Rompicherla Mandal
Peleru, Chittoor district
Rep.by its President, P.Krishnamurthy ... Petitioner

Vs.

The State of Andhra Pradesh
Represented by its Prl. Secretary,
Home Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri G.L. Narasimha Rao

Counsel for the Respondents: GP for Home [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 26831 OF 2015

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ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of the respondents in interfering with the lawful activities of writ petitioner club as illegal, unjust, arbitrary, violative of Article 21, principles of natural justice and consequently to direct the respondents and their staff not to insist to close down the club and interfere with the lawful activities of the petitioner-club and its members and their guests, while playing chess, caroms, playing cards [13 cards] rummy with syndicate/stakes, conducting library and gym and other skill games as per its bye-laws at the premises D.No.4-45, Mattlolapally, Rompicherla Mandal, Peleru, Chittoor district and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.”

2. As per the affidavit filed in support of the petition, the petitioner is a registered society vide Registration No. 241/2012 and the object of the society is to facilitate the members to recreation of health clubs, conduct sports and cultural activities, acquire land and buildings on lease for promoting sports and cultural activities, unite all association members in achieving the common goals and aims, set up library and provide medical

assistance to poor and needy, work for uplifting of poor in slum areas, develop brotherhood among the members, social services including recreation for the members of the petitioner.

3. It is further stated in the affidavit that the petitioner society has 150 to 200 members and the majority of them are senior citizens, retired employees and reputed business people. It is also averred in the affidavit that the petitioner is allowing only skill games like chess, caroms, billiards, gym, playing cards with 13 cards rummy with syndicate and stakes as well as library and absolutely the petitioner is not taking up any unlawful activities. It is further stated that the respondent-police authorities came to the petitioner's premises on 20/01/2015 and asked to close down the activities, particularly the card room. It is also stated that playing of 13 cards rummy is only a skill game and the same does not attract the provisions of A.P. Gaming Act.

4. A counter-affidavit is filed by the fifth respondent stating that earlier the petitioner has approached this court by way of filing WP.No. 5463 of 2015 and this court dismissed the said writ petition on the ground that the club is not functioning. It is further stated in the counter-affidavit that on 31/08/2014 Village Revenue

Officer, Bandakindapalli issued a certificate stating that the petitioner is not conducting such skill games etc. It is also stated that such being the position, the question of interference and harassment would not arise. The counter-affidavit further denies the interference of the respondent-police authorities with the lawful activities of the petitioner.

5. The information available before this court manifestly discloses that earlier the petitioner herein approached this court by way of filing WP.No.5463 of 2015 and this court dismissed the said writ petition by order dated 07/4/2015 and the operative portion of the said order reads as under :

“It is, therefore, stated that on enquiry it is revealed that few years ago, the fragrant oil factory was constructed by the owner of the land by name one Sri G. Bhaskar Reddy and some months back, he closed the said factory and removed all the machinery and shifted to his village. Thereafter, the said land owner said to have handed over the building to the petitioner on a monthly rent of Rs.10,000/-. In that building, for the past three months, the alteration works are going on to facilitate the building to run as a club. Till today, the said building is under construction and not functioning any activities thereon and the same was also admitted by the petitioner by giving his statement voluntarily before the fifth respondent on 16/03/2015.

In view of the statement recorded by the fifth respondent on 16/3/2015 that no such club is stated to be functioning as on today and that the said

counter affidavit is not controverted by the petitioner by filing any reply and as such, there is no reason to disbelieve the averments of the fifth respondent in the counter affidavit. The petitioner's club may have been registered on 15/7/2014 but the alteration work of the building is going on and as and when the club starts functioning, the petitioner has to comply with the provisions of law. However, the relief sought for by the petitioner cannot be granted, as the club appears to be not functioning as on today."

6. Now along with the present writ petition, the certificate issued by the sarpanch, Bandakindapalli, Chittoor district is filed. The said certificate shows that the petitioner herein is running the activities in the village. The genuineness of the certificate is not disputed by the other side.

7. It is also brought to the notice of this court that the issue of similar nature was already considered by this court in various writ petitions. Suffice it to refer to the order of this court in WP.No. 24533 of 2011 and batch dated 09/09/2011 as well as a decision of the Division Bench of this Court in **Twin Cities Cinema Cultural Centre V/s. Commissioner of Police** and the latest order of this Court in WP.No. 4613 of 2014 dated 26/02/2014. In view of the above, this writ petition is disposed of with similar directions as under :

8. In the light of the provisions of the Act and the law laid

down in the judgments aforementioned, this Court considers it appropriate to direct the respondents not to interfere with any card game of Rummy (a 13 cards game) whatever be the stakes, being played in the petitioner club. It is made clear that this order shall not preclude the respondents from entering into the club concerned and from taking action in terms of Section 5 of the A.P. Gaming Act and thereafter to initiate penal proceedings under section 3 and 4 for violation of the provisions of the Act. The petitioner club shall cause no hindrance to the respondents in exercising their statutory powers under section 5 or any other provisions of the Act. Petitioner shall also install CC cameras in the club. The writ petition is disposed of. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

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