

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.5114 of 2014

ORDER:

There is no representation on behalf of the petitioner.

2. The prayer sought in the writ petition is as under:-

“...to issue a Writ or order or direction more particularly in the nature of writ mandamus declaring the action of Respondents from interfering or obstructing the Petitioner Club from conducting the card room where the members and guests of the Petitioner are allowed to play the game of rummy with 13 Cards with stake / syndicate, as arbitrary, illegal capricious and violative of principles of natural justice and contrary to the provisions of A.P.Gaming Act and Consequently direct the Respondents not to interfere with the lawful activities of the Petitioner and its members from playing 13 Card Rummy with Stake/Syndicate in the premises situated near Post Office, Vivekanada Nagar Colony, Kukatpally, Hyderabad and pass such other order or orders as this Hon’ble Court may deem fit in the circumstances of the case otherwise grave loss will ensue to the Petitioners.”

3. The 4th respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that the 4th respondent never entered into the petitioner’s premises on 04.01.2014 and directed the members and the guests in the card room, who are playing game of rummy with 13 cards, to stop playing the same and also threatened them if they play the said game, they would be booked and criminal cases would also be filed against them under the A.P. Gaming Act. The allegation

made by the petitioner that in spite of bringing to the notice of the 4th respondent about the judgment of this Court as well as the Apex Court, the 4th respondent did not listen to them is false and denied. It is also further stated in the counter-affidavit that as on the date of filing of the counter-affidavit, no complaint or case whatsoever is received or registered against the petitioner's club. The respondent police received oral information that in the petitioner's club the members of the petitioner's association were playing cards illegally and by betting money and hence in good faith issued a notice dated 04.01.2014 to the petitioner directing him to stop those type of illegal activities and it is also further stated that if any one is found playing card by betting money, necessary legal action will be taken as per law. Till the filing of the counter-affidavit, the 4th respondent did not visit the premises of the petitioner's club nor registered any case against it. The petitioner's club cannot cause any hindrance to the respondent police in exercising their statutory powers under Section 5 or any other provisions of the A.P. Gaming Act. It is specifically stated that the respondent police shall abide by the directions passed by this court. On mere apprehension and to prevent police from taking any action, the petitioner rushed to this Court and filed the present writ petition with baseless allegations.

4. In that view of the matter, this Court is of the opinion that there are no merits in the writ petition and the same is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

P. KESHAVA RAO, J

14th November 2019

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