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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6418/2019**

JOJO JOSE

..... Petitioner

Through: Mr. Shishir Pinaki, Adv. along with
petitioner in person

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Jasmeet Singh, CGSC (UIO)

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

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09.07.2019

CM APPL.27265-27266/2019 (*Exemption*)

Allowed, subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 6418/2019

1. This public interest litigation has been preferred with the following prayers:

- i. *To issue a writ of Mandamus or any other Writ or an order or an appropriate direction thereby directing the Respondent No.1, the Union of India, to cancel the organisation of the Lotteries in the State of Sikkim;*
- ii. *To issue a writ of Mandamus or any other Writ or an order or an appropriate direction thereby directing the Respondent No.1, the Union of India, to cancel the selection of the Respondent No. 3, Future Gaming, as the sole/exclusive Distributor of lotteries in the State of*

Sikkim;

- iii. To issue a writ of Mandamus or any other Writ or an order or an appropriate direction thereby directing the Respondent No.1, the Union of India, to initiate penal actions against the culprits under the Sections 7 & 9 of the Lotteries Act, 1998;*
- iv. To issue a writ of Declaration or any other Writ or an order or an appropriate direction thereby directing that the Rules 3(6) and 3(10) of the Lotteries (Regulation) Rules, 2010, are illegal and void as the same are against the Lotteries (Regulation) Act, 1988 or in the alternate,*
- v. To issue a writ of Mandamus or any other Writ or an order or an appropriate direction thereby directing the Respondent No.1, the Union of India, to take appropriate steps to amend/delete the Rules 3(6) and 3(10) of the Lotteries (Regulation) Rules, 2010; AND*
- vi. To issue a writ of Mandamus or any other Writ or an order or an appropriate direction thereby directing the Respondent No.1, the Union of India, to conduct an enquiry against such officers who drafted the Rules and misrepresented the Parliament as the Rules framed in 2010 are against the Lotteries Act in form and in spirit;*
- vii. To issue a writ of Mandamus or any other Writ or an order or an appropriate direction thereby directing the Respondent No.1, the Union of India, to issue an Order under Rule 3(20) to conduct a special audit of the accounts of the DSSL by the CAG to gauge the full extent of the loss of revenue incurred by the State of Sikkim and recover the same from the concerned persons;*
- viii. Pass any such order(s) as this Hon'ble Court deems fit and proper in the interest of justice as per the facts and circumstances of this case.*

2. Having heard both sides and looking to the facts and circumstances of the case, it appears that all canons of arguments are against the State of Sikkim and cancellation of the organisation of lotteries in the State of

Sikkim. Hence, we see no reason to entertain this writ petition as the jurisdiction vests with the State of Sikkim and not before this Court.

3. With the aforesaid observations, we dismiss this writ petition.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 09, 2019

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