



WEB COPY



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.30060, 30068, 30074 & 29911 of 2022

W.P.No.30060 of 2022:

1. Head Digital Works Private Limited
represented by its Authorized Representative
Mr.Deepak Gullapalli
having its Registered Office at
1st Floor, Express Building
9-10, Bahadur Shah Zafar Marg
New Delhi 110 002
and Corporate Office at
8th Floor, Atria Block
The-V, Plot No.17
Software Units Layout
Madhapur, Hyderabad
Telengana 500 081
 2. Deepak Gullapalli
S/o Shri Ram Prasad
- .. Petitioners

v.



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

WEB COPY

1. State of Tamil Nadu
Through Chief Secretary
Secretariat, Fort St.George
Chennai 600 009
2. State of Tamil Nadu
Department of Home
Through Principal Secretary
Secretariat, Fort St.George
Chennai 600 009
3. State of Tamil Nadu
Department of Law
Through Principal Secretary
Secretariat, Fort St.George
Chennai 600 009
4. Director General of Police
State of Tamil Nadu
Office of the Director General
Kamarajar Salai, Chennai 600 004 .. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of Ordinance No.4 of 2022 dated October 3, 2022 and quash the same.

For Petitioners :: Mr.Sajan Poovayya
Senior Counsel for
Mr.Sashidhar Sivakumar

For Respondents :: Mr.Amit Anand Tiwari



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

Additional Advocate General
assisted by Ms.A.G.Shakeenaa
for R1 to R4

W.P.No.30068 of 2022:

1. Jungle Games India Private Limited
Represented by its Authorised Signatory
Rahul Nandkumar Bharadwaj
Having its registered office at
2nd Floor, 55, Lane-2, Westend Marg
New Delhi 110 030
2. Rahul Nandkumar Bhardwaj
S/o Shri Nand Kumar Bhardwaj .. Petitioners

v.

1. State of Tamil Nadu
Through Chief Secretary
Secretariat, Fort St.George
Chennai 600 009
2. State of Tamil Nadu
Department of Home
Through Principal Secretary
Secretariat, Fort St.George
Chennai 600 009
3. State of Tamil Nadu
Department of Law
Through Principal Secretary
Secretariat, Fort St.George
Chennai 600 009



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

WEB COPY

4. Director General of Police
State of Tamil Nadu
Office of the Director General
Kamarajar Salai
Chennai 600 004

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of Ordinance No.4 of 2022 dated October 3, 2022 and quash the same.

For Petitioners :: Mr.Sathish Parasaran
Senior Counsel for
Mr.Sashidhar Sivakumar

For Respondents :: Mr.R.Shunmugasundaram
Advocate General
assisted by
Mr.P.Muthukumar
State Government Pleader
Ms.A.G.Shakeenaa
for R1 to R4

W.P.No.30074 of 2022:

1. Play Games 24 x 7 Private Limited
Represented by its Authorized Representative
Mr.Bhavin Pandya
Having its Registered Office at
5th Floor, Central Wing (B)
Tower - 4, Nesco IT Park
Nesco Centre, Western Express Highway



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

Goregaon (E), Mumbai 400 063

2. Bhavin Pandya

S/o Shri Kaushik Pandya

..

Petitioners

v.

1. State of Tamil Nadu

Through Chief Secretary

Secretariat, Fort St.George

Chennai 600 009

2. State of Tamil Nadu

Department of Home

Through Principal Secretary

Secretariat, Fort St.George

Chennai 600 009

3. State of Tamil Nadu

Department of Law

Through Principal Secretary

Secretariat, Fort St.George

Chennai 600 009

4. Director General of Police

State of Tamil Nadu

Office of the Director General

Kamarajar Salai

Chennai 600 004

..

Respondents

Petition under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of Ordinance No.4 of 2022 dated October 3, 2022 and quash the same.



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

WEB COPY

For Petitioners :: Mr.Mukul Rohatgi
Senior Counsel for
Mr.Sashidhar Sivakumar

For Respondents :: Mr.Kapil Sibal
Senior Counsel assisted by
Ms.A.G.Shakeenaa for R1 to R4

W.P.No.29911 of 2022:

All India Gaming Federation
Represented by its General Secretary
Mr.Sunil Krishnamurthy
Tiffany, 1st Floor
Hiranandani Road
Hiranandani Estate, Ghodbunder Road
Patlipada, Thane (West)
Maharashtra 400 607

.. Petitioner

v.

1. State of Tamil Nadu
Represented by its Chief Secretary
Secretariat, Fort St.George
Chennai 600 009

2. The Law Secretary
Government of Tamil Nadu
Secretariat, Fort St.George
Chennai 600 009

.. Respondents

Petition under Article 226 of the Constitution of India praying for



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

issuance of a Writ of Declaration, to declare Tamil Nadu Ordinance No.4 of 2022, Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Ordinance, 2022 enacted by the first respondent as unconstitutional.

For Petitioner :: Mr.C.Aryama Sundaram
Senior Counsel for
Mr.Rahul Unnikrishnan

For Respondents :: Mr.R.Shunmugasundaram
Advocate General
assisted by
Mr.P.Muthukumar
State Government Pleader
Ms.A.G.Shakeenaa
for R1 & R2

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The instant writ petitions have been filed by the petitioners, who are engaged in the business of developing and offering online games of skill and other free games in India and the All India Gaming Federation, one of the largest associations of gaming companies in India, challenging the Tamil Nadu Ordinance No.4 of 2022, an Ordinance to prohibit Online gambling and to regulate Online games in the State of Tamil Nadu, as published in the



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

WEB COPY

Tamil Nadu Government Gazette Extraordinary dated October 3, 2022 and to quash or declare the same as unconstitutional.

2. Mr.C.Aryama Sundaram, learned Senior Counsel, Mr.Mukul Rohatgi, learned Senior Counsel, Mr.Sajan Poovayya, learned Senior Counsel and Mr.Sathish Parasaran, learned Senior Counsel appearing for the respective petitioners argued their cases for sometime against the impugned Ordinance.

3. However, after a brief reply was given by Mr.Kapil Sibal, learned Senior Counsel appearing for the respondents in one of the writ petitions stating that unless the date is notified for its operation, all these writ petitions having no cause of action whatsoever, should be rejected, the respective learned Senior Counsel appearing for the petitioners requested this Court to permit the petitioners to withdraw the writ petitions with liberty to represent their cases as and when the date is notified.



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

WEB COPY

4. Recording and permitting the petitioners to do so, the writ petitions are dismissed as withdrawn with the liberty as prayed for. Consequently, W.M.P.Nos.29475, 29477, 29478, 29480, 29481, 29483, 29490, 29492, 29493 & 29305 of 2022 are also dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.)

(D.K.K.,J.)

Index : yes/no

16.11.2022

SS

To

1. The Chief Secretary to Government of Tamil Nadu
Secretariat, Fort St.George
Chennai 600 009
2. The Principal Secretary to Government of Tamil Nadu
Department of Home
Secretariat, Fort St.George
Chennai 600 009
3. The Principal Secretary to Government of Tamil Nadu
Department of Law
Secretariat, Fort St.George



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

WEB COPY

4. The Director General of Police
State of Tamil Nadu
Office of the Director General
Kamarajar Salai
Chennai 600 004



WEB COPY



W.P.Nos.30060, 30068, 30074 & 29911 of 2022

THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

W.P.Nos.30060, 30068, 30074 &
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16.11.2022