



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

919 WRIT PETITION NO. 15495 OF 2019

Anandsagar, Bahuddeshiya Social
Krida Mandal (Sanstha) Aurangabad,
Through its President,
Gorakhnath S/o Abaii Waghmare,
Age: 51 years, Occ: President of above Sanstha,
R/o Rawaspura, Maji Sainik Colony,
Padegaon, Aurangabad.

... Petitioner

Versus

- 1) State of Maharashtra,
Through Secretary Home Department,
Mantralaya, Mumbai 400032.
- 2) State of Maharashtra,
Through Police Commissioner,
Aurangabad.

... Respondents

...
Mr. Milind A. Manjramkar, Advocate for Petitioner.
Ms. R. R. Tandale, AGP for Respondents.
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CORAM : KISHORE C. SANT, J.

DATE : 22nd October, 2024.

Per Court:

. Heard the learned counsels for the parties.

2 This petition is against the order passed by the State in
proceedings Appeal No.पीपीई ०३१९/प्र.क्र.४२/विशा-५ dated 27th October,
2019.

3 The said proceedings are arising out of the action taken against the petitioner by the learned Police Commissioner, City Aurangabad dated 26th March, 2018, cancelling the licence issued in favour of the petitioner for running one Anandsagar Bahuddeshiya Social Krida Mandal run from Mauje Tisgaon Gut No.25/4, Taluka and District Aurangabad. The action was taken on the basis of raid conducted on the said flat. It was found that the persons present there were in drunken condition. They were creating chaos. They also created nuisance in the nearby area. The raid was conducted on the complaint of the nearby residents. At the time of actual raid, people were found playing card game namely *Zanna Manna* for the purpose of gambling. Therefore, the offences were also registered in 2013 and 2017. Some amount was also seized during the raid. For that reason, the action was taken.

4 The petitioner challenged the order before the State. The State also confirmed the order passed by the learned Police Commissioner. It is the case of the petitioner that the people found in the room in fact were playing card game of Rummy, which is not considered to be a game of chance, but it is considered to be a skill game as held by the Honourable Supreme Court in case of ***State of Andhra Pradesh Vs. K. Satyanarayana and others***, reported in,

(1968) Cri.L.J. 1009. He submits that therefore, playing of Rummy cannot be considered as criminal activity. He also relied upon the judgments of this Court dated 4th August, 2011 passed in Writ Petition No.4055 of 2011 (Anandsagar Bahuddeshiya Social Krida Mandal (Sanstha), Aurangabad Vs. The State of Maharashtra and others) and dated 15th April, 2013 passed in Writ Petition No.8104 of 2012 (Anandsagar Bahuddeshiya Social Krida Mandal (Sanstha), Aurangabad Vs. The State of Maharashtra and others) by the Single Bench of this Court.

5 The learned AGP vehemently opposes the petition. She supports the finding of the authorities. She also pointed out from the affidavit-in-reply that the appellate authority had even called for the report before passing the order. It is thereafter, even direction was given by this Court vide order dated 18th December, 2017 passed in Writ Petition No.8354 of 2017 to decide the application of the petitioner within eight weeks. She submits that the action is necessarily taken to have a check on the illegal activities being done in the club. The orders would show that the authorities have applied their mind properly. She, therefore, submits that no interference is required at the hands of this Court.

6 However, considering the report submitted and the orders

passed by the authorities, it is clear that when the raid was conducted the people were found in drunken condition and creating law and order situation and also were playing gambling by name *Zanna Manna*. There were already offences registered against the same club. It is further considered that near the club, there are religious places and schools. Continuing the activities will have the effect on the students. The persons were also found troubling to the nearby residents.

7 Considering the above position, which is already discussed, this Court does not find any reason to call for interference at the hands of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. The petition, therefore, deserves to be dismissed and the same is hereby dismissed and disposed of.

8 Civil application, if any, pending is also disposed of in view of dismissal of the writ petition.

[KISHORE C. SANT, J.]

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