

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO. 630 OF 2024

Milind Shriram Limaye Founder and
President Of Competitive Tournament
Rummy Players Association

...Petitioner

Versus

The State of Maharashtra Through
Its Dept. Of Home And Ors.

...Respondents

WITH
WRIT PETITION NO. 629 OF 2024

Milind Shriram Limaye Founder and
President Of Competitive Tournament
Rummy Players Association

...Petitioner

Versus

The State of Maharashtra Through
Its Dept. Of Home And Ors.

...Respondents

....

Ms.Shruti Tulpule for the Petitioner.

Mr.P.G. SawantA.G.P. for the Respondent – State.

....

CORAM : AVINASH G. GHAROTE, J.
DATE : 10th JUNE 2024

P.C.:

1. Heard learned counsel for the parties. The petition questions orders dated 21.10.2020 passed by the DCP HQ 1, Mumbai and 27.10.2020 by Addl.CP Pune rejecting the

application of the petitioner for grant of performance, premises and sale of tickets license. The rejection is on the ground that the consent and creation of “card court cafe” is a common gaming house and rummy tournaments to be conducted by the applicant would amount to gambling and challenge to these orders were rejected by the impugned orders, dated 23.6.2023 by Principal Secretary (A. & S.) Home Department.

2. Learned counsel for the petitioner contends that, this is based on the clear apprehension that the tournament which may be conducted by the petitioner may lead to gambling, and therefore is not a reason which is justifiable in law.

3. Learned counsel for the respondents while supporting the impugned order contends, that there is no concept of card court cafe in the rules and therefore, the impugned order is correct in law.

4. The ‘card court cafe’ is only a nomenclature which is being used by the petitioner to name the place of performance. In fact the activities of conducting the tournament as proposed by the petitioner were already

examined by the Division Bench of this Court in *Milind Shriram Limaye vs. State of Maharashtra*, Writ Petition No.8923 of 2012 in which by the judgment dated 6.12.2013, the following has been said.

“14. A tournament or competition of Rummy per se is not a ‘public amusement performance’ within the meaning of Rule 2 (j) of the Licensing Rules quoted above. The Rules in Chapter II of the Licensing Rules concerning ‘No Objection Certificate’ from the Licensing Authority, therefore, do not apply to any such tournament or competition or any place or site used for the purpose of conducting any such tournament or competition. Chapter IX of the Licensing Rules provides for a Performance Licence. Rule 100 thereof requires obtaining of a Performance Licence not only for a performance for public amusement but for ‘any public exhibition or diversion or game, by whatever named called’. The Licensing Authority for such licence is :-

- (1) at the district headquarters – the District Magistrate, Poona; and
- (2) at all other places – the District Magistrate, Poona or the Mamlatdar or the

Mahalkari, as the case may be, within his jurisdiction.

A tournament or competition of Rummy, such as the one proposed to be conducted by the Petitioner or CTRPA, would be covered in the expression 'public exhibition or diversion or game' within the meaning of Rule 100 of the Licensing Rules, and, thus, would require a Performance Licence.

The CTRPA Competition Rules, which are nothing but a printed set of rules for holding such tournament or competition, cannot be termed a 'written script' of the performance or even 'the synopsis of each of the various items of the performance'. There is, therefore, no question of obtaining any certificate of suitability of the script or synopsis of any item from Stage Performance Scrutiny Board appointed by the State Government under sub – clause (iii) of clause (wa) of Sub – section (1) of Section 33 of the Act, as a pre – requisite for obtaining of a Performance Licence. The application for Performance Licence needs, however, to be accompanied by "Premises Licence" granted by the competent Licensing Authority, which again is the same authority as prescribed for the Performance Licence. In case, such tournament or competition is to be held

with sale of entry tickets for admission to the premises of the tournament or competition, a licence for sale of tickets is required from the same licensing authority, as in the case of the Performance Licence.

15. Having regard to the above position, there is no question of any application being made or required to be made for a suitability certificate or exemption of such certificate for holding of a tournament or competition of Rummy in accordance of CTRPA Competition Rules or indeed any set of rules. No such certificate is simply required for holding of the tournament or competition.

16. The Petitioner will have to apply for (1) Premises Licence (2) Performance Licence and (3) Sale of Tickets Licence (if tickets are issued on payment of charges for entry into the premises), for holding of the tournament or competition. Such applications need to be made to the licensing authority referred to above. The Licensing Authority, after making such inquiry as it may deem fit, may grant such licences in accordance with the Licensing Rules.”

5. It is thus apparent, that the Division Bench has already held that the activity proposed to be conducted by the

petitioner would fall within the expression “public exhibition or diversion or game” within the meaning of Rule 100 of Licensing Rule. That being the position, it is not open for the learned counsel for the respondents to contend otherwise that the activities is not covered by the rules.

6. In that view of the matter, the orders impugned in this petition cannot be sustained and are hereby set aside. The matter is remitted back to the concerned Commissioners of Police to decide the applications filed by the petitioner in light of what has been held by the learned Division Bench of this Court in **Milind Shriram Limaye** (supra). The party shall appear before the Commissioner of Police, Mumbai on 20.06.2024 and Commissioner of Police, Pune on 19.6.2024 without any further notice being required to be issued, who shall decide the application afresh within a period of four weeks from 19.6.2024.

(AVINASH G. GHAROTE, J.)