



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**  
**DATED THIS THE 27<sup>TH</sup> DAY OF MAY, 2024**  
**BEFORE**  
**THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM**  
**WRIT PETITION NO. 107122 OF 2023 (GM-POLICE)**

**BETWEEN:**

SRI HARSHA RECREATION AND ASSOCIATION,  
NEAR APMC HUBLI-KARWAR ROAD,  
KALAGHATAGI-581204, DISTRICT: DHARWAD,  
REP. BY ITS PRESIDENT,  
SRI VENKATESH HANUMANTHSHASTRI INAMDAR,  
AGE: ABOUT 53 YEARS, OCC: BUSINESS,  
R/O. SRINIVAS NAGAR, NEAR SIDDAROODH MATH,  
HUBBALLI-580024, DIST: DHARWAD.

...PETITIONER

(BY SRI. SURESH SHETTEMMAVAR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
R/BY ITS SECRETARY HOME DEPARTMENT,  
VIDHANASOUDHA, DR. B.R.AMBEDKAR VIDHI,  
BENGALURU-560001.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE  
SOCIETIES AND OFFICER OF SOCIETIES  
REGISTRATION,  
7<sup>TH</sup> CROSS, MALAMADDI, DHARWAD,  
TQ AND DIST: DHARWAD-570007.
3. THE COMMISSIONER OF POLICE,  
HUBBALLI-DHARWAD, NAVANAGAR,  
TQ: AND DIST: DHARWAD-580028.





4. DEPTUY COMMISSIONER OF POLICE,  
HUBBALLI-DHARWAD, NAVANAGAR,  
TQ: AND DIST: DHARWAD-580028.
5. THE SUPERINDENT OF POLICE,  
DHARWAD, DIST: DHARWAD-580008.
6. THE CIRCLE POLICE INSPECTOR,  
KALAGHATAGI POLICE STATION, KALAGHATAGI,  
TQ: KALAGHATAGI, DIST: DHARWAD-580006.
7. THE POLICE SUB INSPECTOR,  
KALAGHATAGI POLICE STATION, KALAGHATAGI,  
TQ: KALAGHATAGI, DIST: DHARWAD-580026.

...RESPONDENTS

(BY SRI. V.S. KALASURMATH, HCGP FOR R1 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER DIRECTION / ORDERS TO THE RESPONDENTS 3 TO 7 DIRECTING NOT TO INSIST UPON THE PETITIONER ASSOCIATION TO OBTAIN A LICENSE FOR PLAYING SKILL GAMES LIKE CHESS, DART GAMES, RUMMY AND CAROM, VIDEO GAMES, ELECTRONIC AMUSEMENT GAMES, DICE GAMES EITHER UNDER THE PROVISIONS OF KARNATAKA POLICE ACT-1960 OR UNDER THE LICENSING AND CONTROLLING OF PLACE OF PUBLIC AMUSEMENT ORDER OR PREVENT THE PETITIONER ASSOCIATION TO CONDUCT ITS LEGAL ACTIVITIES.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:



**ORDER**

Petitioner is a society registered under the Karnataka Societies Registration Act. The petitioner's recreation club is established to encourage the games like dart, chess, rummy, carom, video games, electronic amusement games, dice games.

2. Learned counsel for the petitioner submits that, the entry to the petitioner's association is restricted only to its members and outsiders and other public are not allowed to enter or enjoy the benefits of the society as a matter of right or on payment. He further submits that, the respondent-police are now forcing the petitioner-recreational club to obtain licence to conduct the activities in the said club. Hence, this writ petition.

3. Learned counsel for the petitioner further submit that, the recreational activities that are carried out in the recreation club would not fall



under Sections 6 & 7 of the Karnataka Police Act, 1963. Hence, they are not required to secure any license from the authorities.

4. Learned HCGP appearing for the respondents submits that the issue involved in this writ petition was examined by the Division Bench of this Court in W.A.No.728/2020, disposed of on 18.01.2021.

5. Hence, this writ petition also requires to be disposed of in the light of the order passed in W.A.No.728/2020 on the following terms and conditions:

(i) The petitioner shall install CCTV cameras at the places of access to its members and also at all the places, wherein game(s) is/are played by the members within a period of six weeks. The CCTV footage of at least prior 15 days period shall be made available by the petitioner to the



jurisdictional police, as and when called upon to do so.

(ii) The petitioner shall issue identity card(s) to all its member(s), which shall be produced by the member(s), when called upon by the concerned police, during the raid(s), surveillance, etc.,

(iii) The petitioner shall not allow any non-member(s) or the guest(s) of the member(s), to make use of its premises for the purpose of playing any kind of game(s) or recreational activities.

(iv) The petitioner shall not permit any activity by any of its member(s), by indulging in acts of amusement, falling within the definition of Sections 2(14) and 2(15) of the Act and shall not permit any game(s) of chance as per Explanation (II) of Sub-section (7) of Section 2 of Karnataka Police Act,



1863. The member(s) shall not be allowed to play any kind of game(s) with stakes or make any profit or gain out of the game(s) played.

(v) The petitioner shall put proper mechanism in place and shall ensure that no game(s) is/are played in any unlawful manner by the member(s). If the jurisdictional police finds that game(s) played is/are contrary to any law and in violation of the settled practice, it is open to them to take action against the petitioner and the offenders, in accordance with law.

(vi) The jurisdictional police shall have liberty to visit premises periodically and/or on receipt of any information about any unlawful activity being carried on in the petitioner's premises.

(vii) The respondents are directed not to interfere with the lawful recreational



activities carried on by the members of the petitioner's – Club/Association.

(viii) It is made clear that this order would not come in the way of the jurisdictional police invoking the provisions of the Act and taking action in accordance with law, if the member(s) of the petitioner is/are found to have indulged in any unlawful or immoral activities.

(ix) That while carrying out various recreational activities in the petitioner's clubs, all precautions for preventing the spread of COVID-19 shall be taken, including social distancing, use of sanitizers and mask.

**Sd/-**  
**JUDGE**

MBS  
Ct-mck  
List No.: 1 Sl No.: 35