NC: 2023:KHC:30739
WP No. 18082 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 18082 OF 2023 (GM-POLICE)

BETWEEN:

VESTA SPORTS RECREATION CLUB,
KUTTA, PONNAMPET TALUK,
KODAGU DISTRICT,
KODAGU-571 250.
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI. DEEPAK J.,ADVOCATE)

AND:

1. THE GOVERNMENT OF KARNATAKA,
   HOME DEPARTMENT, VIDHANA SOUDHA,
   BANGALORE-560 001.
   BY ITS SECRETARY.

2. THE COMMISSIONER OF POLICE,
   INFANTRY ROAD, BANGALORE-560 001.

3. SUPERINTENDENT OF POLICE,
   KODAGU DISTRICT, MADEKERI-571 201.

4. DEPUTY SUPERINTENDENT OF POLICE,
   VIRAJPET TALUK, KODAGU-571 218.

5. CIRCLE POLICE INSPECTOR,
   KUTTA STATION, PONNAMPET TALUK,
   KODAGU DISTRICT-571 250.

Digitally signed by SHARADA VANI B
Location: HIGH COURT OF KARNATAKA

6. INSPECTOR OF POLICE
KUTTA, PONNAMPET TALUK,
KODAGU DISTRICT-571 250.

…RESPONDENTS

(BY SRI.MANJUNATH K., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS NOT TO INSIST UPON THE PETITIONER TO OBTAIN LICENSE AND DECLARE THAT THE PETITIONERS ASSOCIATION DOES NOT REQUIRE ANY LICENSE FROM THE RESPONDENT TO CARRY ON THE LAWFUL ACTIVITIES AT THE PETITIONERS ASSOCIATION PREMISES.

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

ORDER

The subject matter of this Writ Petition is substantially similar to the one in W.P.No.12194/2015 (GM-POLICE) between VESTA SPORTS RECREATION CLUB vs. THE STATE OF KARNATAKA & OTHERS, disposed off by a Coordinate Bench of this Court on 01.04.2015.

2. Learned AGA is more than justified in submitting that in addition to conditions stipulated in the cognate judgment, the Petitioner in the guise of running the said business shall not commit any offence or untoward incidence; the Petitioner agrees to the same.

3. The Division Bench of this Court in W.A.Nos. 932-933/1974 between A.V.VINODA & ANOTHER Vs. STATE OF KARNATAKA BY ITS COMMISSIONER & SECRETARY disposed of on 11.12.1974, has held that the Court should treat the like-cases alike and if relief is granted to a litigant it has to be extended to a similarly circumstanced litigant as well, there being no derogatory circumstances.

In view of the above, this Writ Petition is disposed off granting relief to the Petitioner in terms of the cognate judgment mentioned above; with liberty to the Respondent - Police to take action in the event any of the conditions, including the COVID-19 related ones if any, are violated.

All contentions are kept open.

Costs made easy.

Sd/-
JUDGE

Bsv