



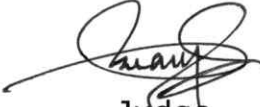
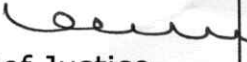
Serial No.	Date	Order (s) with Signature (s)
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05.	29.11.12 (Kohli, CJ)	<p style="text-align: center;"><b>BEFORE</b></p> <p style="text-align: center;"><b>HON'BLE THE CHIEF JUSTICE MR. JUSTICE PERMOD KOHLI HON'BLE MR. JUSTICE S. P. WANGDI, JUDGE</b></p> <p>Present: M/s. Vibhu Bhakru, Sr. Advocate with Rishi Agarwal, L. Chakraborty, Akshay Ringe and Manju Rai, Advocates for the Petitioners.</p> <p>Mr. Karma Thinlay Namgyal, Central Govt. Advocate for respondent No. 1.</p> <p>M/s. R. Basant and Ramesh Babu. Sr. Advocates with S.K. Sarraf, Advocate for respondent No. 2.</p> <p>M/s. J.B. Pradhan, Advocate General with S.K. Chettri, Asstt. Govt. Advocate for the State-respondent No. 3.</p> <p style="text-align: center;">...</p> <p><b>1.</b> The petitioner is a Company incorporated under the Indian Companies Act, 1956 at Coimbatore, Tamil Nadu, having its registered office situated in said State. The Company is having a branch office at Gangtok in the State of Sikkim.</p> <p><b>2.</b> Undisputedly, the Company is carrying on the business of sale of lotteries as a distributor appointed by the State of Sikkim, lottery organizing State. The lotteries so printed and published by the State are sold by the petitioner as a distributor of the State lotteries throughout the country including the State of Kerala.</p>

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		<p><b>3.</b> From the averments made in the petition, it appears that the State of Kerala lodged a complaint with the Central Government under Section 6 of the Lotteries Regulation Act, 1998 read with Rule 5 of the Lotteries (Regulation) Rules, 2010 for alleged violation of the provisions of the Act and Rules. On the said complaint the State of Sikkim was put to notice and after hearing the concerned parties the Central Government passed the impugned Order dated 15.12.2011 (Annexure P-25) imposing the ban on the sale of lotteries in the State of Kerala for a period of two years.</p> <p><b>4.</b> It is this order, which is in question before us in the present writ petition. When the matter came up for initial consideration, this Court had doubt about the territorial jurisdiction of this Court and accordingly the petitioner was asked to satisfy this Court on the question of territorial jurisdiction, though notices were also directed to be served upon the respondents. Although, the parties have completed their pleadings, however, in view of the Order dated 28.05.2012, we have heard the learned counsel for the parties on the question of territorial jurisdiction of this Court.</p>

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		<p><b>5.</b> From the perusal of the impugned order, it is evident that the complaint was lodged by the State of Kerala in respect of alleged violation of Lotteries (Regulation) Rules. The said complaint was examined by the competent authority i.e. the Central Government and came to be disposed of vide impugned Order dated 15.12.2011 passed by the Central Government at Delhi. The Order has its implication only in the State of Kerala where the sale of lotteries published by the State of Sikkim and sold by the petitioner has been prohibited for a period of two years.</p> <p><b>6.</b> Learned counsel for the petitioner submits that since the lotteries are organized by the State of Sikkim, part of the cause of action has accrued in the State of Sikkim. We are unable to accept this contention. Vide the impugned order, the publication, organization and sale of lotteries in the State of Sikkim have not been prohibited. What has been prohibited is the sale of lotteries in the State of Kerala for the alleged violation of Act and Rules. No cause of action or part thereof has been accrued to the State of Sikkim or to the petitioner in the State of Sikkim. The impugned Order having been passed at Delhi by the Central Government and its implication being in the State of Kerala, only the Courts in whose jurisdiction the order has been passed or may have its implication are</p>

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		<p>competent and shall have the territorial jurisdiction to entertain the petition and consider the issue. In so far as the State of Sikkim is concerned, it lacks territorial jurisdiction.</p> <p>7. This petition is, accordingly, dismissed for want of territorial jurisdiction with liberty to the petitioner to seek remedy before the competent Court of Law.</p> <p style="text-align: center;"> Judge 29.11.2012</p> <p style="text-align: right;"> Chief Justice 29.11.2012</p> <p><b>Index : Yes / No</b> <b>Internet : Yes / No</b></p> <p>rsr/jk</p>