

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

Wednesday, the 27th day of January 2021/7th Magha, 1942

WP(C) No.2096/2021(S)

PETITIONER

PAULY VADAKKAN, AGED 50 YEARS,  
S/O. JOSEPH VADAKKAN, 'VADAKKAN HOUSE',  
ANNAMANADA P.O, THRISSUR DISTRICT, KERALA -680 741.

RESPONDENTS

1. STATE OF KERALA,  
REP. BY ITS CHIEF SECRETARY TO THE GOVERNMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.
2. SECRETARY TO THE GOVERNMENT,  
INFORMATION TECHNOLOGY DEPARTMENT, GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM -695 001.
3. THE KERALA STATE POLICE CHIEF,  
VAZHUTHACAUD, THIRUVANANTHAPURAM -695 014.
4. THE TELECOM REGULATORY AUTHORITY OF INDIA (TRAI),  
MAHANAGAR DOOR SANCHAR BHAVAN, JAWAHARLAL NEHRU MARG,  
OLD MINTO ROAD, NEW DELHI- 110 002.
5. PLAY GAMES 24 x 7 PRIVATE LIMITED,  
401, 4TH FLOOR, BUILDING NO. 16, WING-B,  
INTERFACE COMPLEX, LINK ROAD, MALAD, MUMBAI,  
MAHARASHTRA- 400 067, REPRESENTED BY ITS SENIOR VICE PRESIDENT.
6. MOBILE PREMIER LEAGUE,  
GALACTUS FUNWARE TECHNOLOGY LIMITED,  
REPRESENTED BY ITS DIRECTOR OM SAKTI HERITAGE RD,  
GREEN GLEN LAYOUT, BELLANDUR, BENGALURU, KARNATAKA -560 103.
7. VIRAT KOHLI (CRICKETER), DLF-CITY PHASE 1,  
UTTAM NAGAR, WEST DELHI, DELHI-110 059.
8. AJU VARGHESE, PUTHUPARAMBIL HOUSE, THIRUNILATH ROAD,  
COCHIN UNIVERSITY P.O., KALAMASSERY, ERNAKULAM-682 022.
9. TAMANNAH BHATIA, D/O.SANTHOS, SHOP NO.72/74, BUILDING NO.70,  
KANSARA CHAWL, KALBADEVI ROAD, MUMBAI, MAHARASHTRA-400 002.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue direction to the 1<sup>st</sup> respondent State of Kerala to ban all forms of Online Gambling and Online Betting of any nature unless until an appropriate regulatory regime is established and regulations are framed by respondent regulating the functions and activities of all forms of Online Gambling and Online Betting.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.JOMY K.JOSE, Advocate for the petitioner, SRI.ARAVINDAKUMAR BABU, SENIOR GOVERNMENT PLEADER for R1 to R3 and of SRI.SUVIN R.MENON, CENTRAL GOVERNMENT COUNSEL for R4, the court passed the following:

S. MANIKUMAR, CJ  
&  
ANIL K.NARENDRAN, J

W.P(C). No. 2096 of 2021 (S)

Dated this the 27<sup>th</sup> day of January, 2021

ORDER

S. Manikumar, CJ

Petitioner has sought for a declaration that playing online gambling and online betting in Virtual Space, Cyber Space, through Mobile Applications as well as through computers more particularly "online rummy" be declared as unlawful and illegal.

2. He has also sought for a mandamus directing respondent No.1/State of Kerala, represented by Chief Secretary to Government, Government Secretariat, Thiruvananthapuram to ban all forms of online gambling and online betting of any nature until and unless an appropriate regulatory regime is established and regulations are framed by the 1<sup>st</sup> respondent regulating the functions and activities of all forms of online gambling and online betting.

3. In support of his contentions, petitioner has relied on a decision of the Madras High Court in **D. Siluvai Venance v. State of Tamil Nadu** [2020 (3) MLJ (Cri) 710] and also a decision of Gujarat High Court in **Amit M. Nair v. State of Gujarat** in Writ Petition (PIL) No.146 of 2020.

4. That apart, Mr. Jomy K. Jose, learned counsel for the petitioner also submitted that the Government of Andhra Pradesh have promulgated the Andhra Pradesh Gaming (Amendment) Ordinance 2020



amending the Andhra Pradesh Gaming Act, 1974 and State of Tamil Nadu is also contemplating a similar amending Act.

5. Though Mr. Aravinda Kumar Babu, learned Senior Government Pleader submitted that if any representation is submitted by the petitioner, the same would be considered in accordance with law considering the averments and taking judicial notice of the fact that many people are being lured in playing rummy online and also of the fact that the said game is promoted by prominent persons in the country, moreso celebrities, we are of the view that the Government should respond to the averments made in the statement of facts filed along with the writ petition. We are of the *prima facie* view that the matter requires serious attention of the Government. Mr. Aravinda Kumar Babu, learned Senior Government Pleader shall get appropriate instructions on the above.

6. Mr. Aravindakumar Babu, learned Senior Government Pleader takes notice for respondents 1 to 3. Mr. Suvin R. Menon, learned Central Government Counsel takes notice for respondent No.4. Issue notice by speed to respondents 5 to 9.

Post on 9.2.2021.

Sd/- S. MANIKUMAR, CHIEF JUSTICE  
Sd/- ANIL K. NARENDRA, JUDGE

/true copy/

8/28/21  
ASSISTANT REGISTRAR