

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3088 OF 2004

State of Meghalaya & Anr. .. Appellant(s)

Versus

Union of India & Ors. .. Respondent(s)

WITH

CIVIL APPEAL NO. 3090 OF 2004
CIVIL APPEAL NO. 3089 OF 2004
CIVIL APPEAL NO. 6155 OF 2004
CIVIL APPEAL NOS. 5835-5839 OF 2004

WITH

CONTEMPT PETITION (C) NO. 593-597 OF 2004

IN

CIVIL APPEAL NOS. 5835-5839 of 2004

O R D E R

CIVIL APPEAL NO. 3088 OF 2004 AND
CIVIL APPEAL NO. 3090 of 2004

Dr. A.M. Singhvi, learned senior counsel

appearing for the appellants, on instructions,
seeks permission of this Court to withdraw the

Signature Not Verified

Digitally signed by
Charanjeet Kaur
Date: 2014.07.11

16:59:56 IST
Reason:

civil appeals with liberty to question the

validity or otherwise of the Kerala Paper

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Lotteries (Regulation) Rules, 2005, for short
("the Rules, 2005").

Permission sought for is granted and the
appeals are disposed of as withdrawn.

Liberty is reserved to the appellants, if
they so desire, to question the validity or

otherwise of the Rules, 2005, before an appropriate forum.

We clarify that we have not expressed any opinion on the request so made by learned Senior Counsel.

CIVIL APPEAL NO. 3089 of 2004
AND CIVIL APPEAL NO. 6155 OF 2004

These civil appeals are directed against the common judgment and order passed by the High Court of Kerala in a batch of writ petitions wherein the appellants had questioned the

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validity or otherwise of sub-Rule 3 of Rule 24 of the Kerala State Lotteries and Online Lotteries (Regulation) Rules, 2003 (for short, "the 2003 Rules") and the public notice dated 08.11.2003 issued by Director of State Lotteries, Kerela.

During the pendency of these civil appeals, the State of Kerala has repealed the 2003 Rules by Kerala Paper Lotteries (Regulation) Rules, 2005.

The explanatory note appended by Notification No. G.O. (P) NO. 65/2005/TD dated 20.04.2005, read as under :

"Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

As per G.O. (P) 11/05/TD dated 27-1-2005 published as S.R.O. No. 73/05 in the Kerala Gazette Extraordinary No. 169 dated 27-1-2005 the State of Kerala was declared a Lottery Free Zone. Accordingly the Kerala State Lotteries (Regulation) Rules, 2003 was repealed as per G.O. (P) 12/05/TD dated 27-1-2005 published as S.R.O. No. 74/05 in the Kerala Gazette Extraordinary dated 27-01-2005. Now Government has decided to restore Paper Lottery conducted by it and to continue the ban on On-Line Lotteries. Rules have to be issued for the conduct of State Lottery.

This notification is intended to achieve the above purpose."

Since 2003 Rules have been repealed, in our view, as of now nothing survives in these appeals for our consideration and decision. Therefore, these appeals are disposed of as having become infructuous.

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CIVIL APPEAL NOS.5835-5839 OF 2014

Shri C.A.Sundaram, learned senior counsel for the appellant No.1 seeks permission of this Court to withdraw the Civil Appeals with liberty to approach the High Court by filing an appropriate petition, if, for any reason, the respondents-herein invoke Section 7 of the Lotteries (Regulation) Act, 1998 for contravention of Section 4 of the Act.

Permission sought for is granted. If such a petition is filed within a reasonable time, the High Court would consider the same in

accordance with law without being influenced by
the observations made in Writ Petition
(C)No.16221 of 2004, disposed of on 16.08.2004.

The civil appeals are disposed of
accordingly.

CONTEMPT PETITION (C) NO. 593-597 OF 2004
IN CIVIL APPEAL NOS.5835-5839 OF 2004

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In view of the order passed in Civil
Appeal Nos. 5835-5839 of 2004, the Contempt
Petitions are also disposed of.

Ordered accordingly.

.....J.
[H.L. DATTU]

.....J.
[R.K. AGRAWAL]

.....J.
[ARUN KUMAR MISHRA]

NEW DELHI,
JUNE 09, 2014.

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ITEM NO.101 (PH) COURT NO.2 SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3088/2004

STATE OF MEGHALAYA & ANR.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln. (s) for modification and directions and modification of
court's order and office report)

WITH

C.A. No. 3089/2004

C.A. No. 3090/2004

C.A. No. 5835-5839/2004

C.A. No. 6155/2004

C.A. No. 3830/2005
(With prayer for Prayer for Interim Relief and Office Report)

C.A. No. 3831/2005
(With Office Report)

C.A. No. 3832-3833/2005
(With prayer for Prayer for Interim Relief and Office Report)

C.A. No. 3518/2007

C.A. No. 3519/2007

C.A. No. 3520/2007

C.A. No. 4521/2007

SLP(C) No. 14278/2007
(With prayer for Prayer for Interim Relief and Office Report)

SLP(C) No. 15222/2007

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(With prayer for Prayer for Interim Relief and Office Report)

SLP(C) No. 15291/2007
(With prayer for Prayer for Interim Relief and Office Report)

ORGNL.SUIT No. 1/2002

W.P.(C) No. 474/2003
(With Office Report)

ORGNL.SUIT No. 3/2003

W.P.(C) No. 641/2007
(With Office Report)

CONMT.PET.(C) No. 593-597/2004 In C.A. No. 5835-5839/2004
(With Office Report)

W.P.(C) No. 233/2010

SLP(C) No. 26014/2011
(With Office Report)

C.A. No. 1513/2005

Cr1.A. No. 927/2012
(With Office Report)

Cr1.A. No. 930/2012
(With Office Report)

Cr1.A. No. 931/2012
(With Office Report)

Cr1.A. No. 932/2012
(With Office Report)

Cr1.A. No. 937/2012
(With Office Report)

Cr1.A. No. 938/2012
(With Office Report)

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Mr. Mahesh Agarwal, Adv.
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Petitioner-in-person (NP)

Mr.A.Mariarputham, Sr.Adv.
Ms.Aruna Mathur, Adv.
Mr.Yusuf, Adv.
Mr.Ashok S.Pillai, Adv.
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Mr.S.S.Shamshery, AAG
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Mr.Sandeep Singh, Adv.
Mr.Amit Sharma, Adv.
Ms.Pragati Neekhara, Adv.

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Ms.Sunita Sharma, Adv..
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Mr.Sridhar Potaraju, Adv.

Mr.Shreekant N.Terdal, Adv.

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Ms.Liz Mathew, Adv.
Mr.Avijit Bhattacharjee, Av.
Mr.Anip Sachthey, Adv.
Mr.Dheeraj Nair, Adv.
Mr.Brajesh Kumar, Adv.
Ms.Sarla Chandra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. Nos. 3088 & 3090 of 2004

The appeals are disposed of with liberty to the appellants to question the validity or otherwise of the Rules, 2005 before an appropriate forum.

C.A. Nos. 3089 & 6155 of 2004

The appeals are disposed of as having become infructuous.

C.A. Nos. 5835-5839 of 2014

The appeals are disposed of in terms of the signed order.

Contempt Petition (C) Nos. 593-597 of 2004 in C.A. NOs. 5835-5839 of 2004

In view of the order passed in Civil Appeal Nos. 5835-5839 of 2004, the contempt petitions are disposed of.

In Rest of the matters

List on 10.0.7.2014 as part-heard.

[Charanjeet Kaur]
Court Master

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]