

M. Radhakrishna Vs. State of Karnataka

M. Radhakrishna Vs. State of Karnataka

SooperKanoon Citation : sooperkanoon.com/382947

Court : Karnataka

Decided On : Mar-21-1990

Reported in : ILR1990KAR1542

Judge : Chandrakantaraj Urs, J.

Acts : [Karnataka Police Act, 1963](#) - Sections 2(14) and 31; Licensing and Controlling of Places of Public Amusement (Bangalore City) Order, 1989 - Sections 4

Appeal No. : W.P. Nos. 3395, 5866, 5867, 6011 and 6012 of 1990

Appellant : M. Radhakrishna

Respondent : State of Karnataka

Advocate for Pet/Ap. : C.K. Venkatesh, Adv. for L. Umashankar, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

, 1989 - Section 4 - Places of public resort to be known to Licensing Authority to maintain public order and enforce Police Act -Requirement to obtain Licence under Order not arbitrary or unjustified or violative of Fundamental Rights - Regulatory powers - Reasonable restrictions & sustainable.

Section 4 requires the Commissioner, the Licensing Authority/to get the reports or certificates whenever necessary from the Executive Engineer, Public Works Department, the Health Officer, the Officer of the Electrical Inspectorate and the Fire Officer which are 'indicative that where public have free access to the place such places must be considered to be places that must be known to the Licensing Authority in order to maintain public order if and when it becomes necessary and also to enforce the law, that is, the Police Act. Viewed thus, the insistence by the Circle Inspector of Police and the Sub Inspector of Police that the petitioners must take out licence under the order impugned cannot be said to be unjustified or arbitrary opposed to fundamental rights guaranteed to the petitioners and other citizens under our Constitution. Regulatory powers cannot be read as prohibitory. The Police Act and the order passed under it is law made by the Legislature and any reasonable restriction by such laws must be sustained by this Court and they are so sustained.

(C) PRECEDENT - Ingredients - Judgment decided on facts after hearing contesting parties on issues raised - Issue of notice or Rule nisi not precedent.

A simple act of issuing notice or rule nisi does not amount to creating a precedent. To be a judicial precedent understood as such, it should be a Judgment of the Court decided on the facts of a case giving cogent reasons, after hearing arguments of the parties contesting and raising issues before it. When that is absent, it cannot be a precedent and the mere fact that another Judge of this Court, had issued notice or admitted the petition does not amount to a binding precedent and the Counsel should be careful when authorities are cited without realising what they are doing or the purpose of such citation.

(D) WORDS & PHRASES - Amusement

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com