

**IN THE HIGH COURT OF MADHYA PRADESH AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE AMAR NATH (KESHARWANI)

ON THE 5<sup>th</sup> OF SEPTEMBER, 2022

**WRIT PETITION No. 9918 of 2022**

**BETWEEN:-**

VINOD KUMAR DWIVEDI

.....PETITIONER

*(PETITIONER IS PRESENT IN PERSON)*

**AND**

SHAHROUKH KHAN

1.

MAHENDRA SINGH DHONI

2.

VIRAT KOHLI

3.

4. ROHIT

5. SAMYUKT SACHIV KENDRIYA SUCHNA AVAM PRASARAN MANTRALAYA BHARAT SARKAR 552-A BING SHASTRI BHAWAN NEW DELHI (DELHI)
6. AYUKT RAJYA SUCHNA AVAM PRASARAN MANTRALAYA BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

*(RESPONDENT NO.1 BY SHRI MUKUL ROHTAGI, SENIOR ADVOCATE ASSISTED BY SHRI AKSHAY SAPRE, ADVOCATE THROUGH VIDEO CONFERENCING)*

*(RESPONDENT NO.5 BY SHRI HIMANSHU JOSHI, ASST. SOLICITOR GENERAL)*

*(RESPONDENT NO.5 BY SHRI ADITYA GARG, ADVOCATE)*

*This petition coming on for admission this day,*

***JUSTICE VIVEK RUSIA passed the following:***

#### O R D E R

In view of the order dated 27.06.2022, the petitioner is permitted to carry out an amendment in the cause title.

Heard on the question of admission.

The petitioner, who is a practicing advocate of this Court has filed the present writ petition in the nature of Public Interest Litigation seeking direction(s)/order(s)/writ(s) to enact strict penal laws for prohibition of online games and apps in order to save the youth of the country.

02. The main grievance of the petitioner is that various online games namely Dream – 11, Teen Patti, KA – 23 etc. are being advertised by respondents No.1 to 4, who are film stars and cricket

players of this country. Since they are the role models of the youth of this country, therefore, on their promotion, the youth are playing these online games and losing their money and spoiling their future, hence, the respondents be restrained to do advertisement. According to the petitioner, there should be a strict penal law to control all these online games in the State of Madhya Pradesh. The Government has declared to make a law in the State to regulate online gaming for children, but no such steps have been taken till date. Since lottery and gambling are banned in the State of Madhya Pradesh and due to addiction to this online gaming, one student from District – Khargone committed suicide by leaving a suicide note that he was addicted to the online game Teen Patti to earn money quickly so that he can bring his family members out of the poverty.

03. The petitioner, who is present in person submits that he has filed the writ petition mainly seeking an injunction against respondents No.1 to 4 that they be restrained to promote these games by way of advertisement. The youth of this country are being easily convinced by them and becoming addicted to these games which is not good for their future. The Government should come up with a law to stop these gaming activities.

04. Heard learned counsel for the parties at length and perused the record.

05. The concern of the petitioner is in the public interest. On line gaming is not banned or prohibited in the State. It is matter of

self-restriction as anything done in excess in an uncontrolled manner becomes injurious to life. No writ can be issued against private persons like respondents No. 1 to 4 for restraining them to do any advertisement because it is their profession to earn money. The petitioner has impleaded them as respondents and there is no such plea and relief to that effect in the writ petition. The Apex Court in the case of ***Radhey Shyam v/s Chhabi Nath*** reported in ***(2015) 5 SCC 423*** held thus:-

“27. Thus, we are of the view that judicial orders of civil courts are not amenable to a writ of certiorari under Article 226. We are also in agreement with the view [*Radhey Shyam v. Chhabi Nath*, (2009) 5 SCC 616] of the referring Bench that a writ of mandamus does not lie against a private person not discharging any public duty. Scope of Article 227 is different from Article 226.”

05. As of today, online gaming is not prohibited in India. Enactment of law is within the domain of Parliament and the Legislature. No Court can direct the legislature to enact a law. The Apex Court in the case of ***Supreme Court Employees' Welfare Association v/s Union of India*** reported in ***(1989) 4 SCC 187*** held thus:-

“51. There can be no doubt that no court can direct a legislature to enact a particular law. Similarly, when an executive authority exercises a legislative power by way of subordinate legislation pursuant to the delegated authority of a legislature, such executive authority cannot be asked to enact a law which he has been empowered to do under the

delegated legislative authority.”

06. The writ petition suffers from non-joinder of necessary parties as the petitioner has not impleaded any of the owners or operators of these online gaming apps in this writ petition, therefore, without impleading them, no direction can be issued against them.

In view of the above, Writ Petition (PIL) stands dismissed.

(VIVEK RUSIA)  
J U D G E

(AMAR NATH (KESHARWANI))  
J U D G E

Ravi