



1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

**CWP-PIL-104-2025 (O&M)
& other connected cases
Date of Reserve: 20.05.2025
Date of decision :20.06.2025**

Anuj Malik

...Petitioner

V/s

The Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Atul Nanda, Senior Advocate with
Ms. Rameeza Hakeem, Advocate,
Mr. Aditya Singh, Advocate for the petitioner.
Mr. Anuj Malik - petitioner in person in CWP-PIL-104-2025.

Mr. Davinder Singh – petitioner in person with
Ms. Sunita Bishnoi, Advocate for the petitioner
in CWP-PIL-89-2025.

Mr. Amit Jhanji, Senior Advocate with
Mr. Hakikat Grewal, Advocate,
Mr. Vibhu Agnihotri, Advocate
Ms. Kudrit Kaur Sara, Advocate for the petitioner in
CWP-PIL-120-2025.

Mr. Salil Sabhlok, Senior DAG Punjab.

Mr. Deepak Balyan, Addl. A.G. Haryana.

Mr. Abhinav Sood, Advocate
Ms. Mehndi Singhal, Advocate
Ms. Achintaya Soni, Advocate
Mr. Sayyam Garg, Advocate
Mr. Nitesh Jhahria, Advocate for the respondent-U.T. Chd.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Dheeraj Jain, Senior Panel Counsel for the UOI.

Mr. Sunish Bindlish, Senior Standing Counsel, CBI and
Mr. Viney Kumar, Advocate for the respondent No.6
in CWP-PIL-89-2025.

Mr. Sehajbir Singh, Advocate and
Ms. Diya Sodhi, Advocate for respondent No.7 in
CWP-PIL-120-2025.



Mr. Indresh Goel, Advocate for respondent No.8
in CWP-PIL-104-2025.

Mr. Akshay Bhan, Senior Advocate with
Mr. Animesh Sharma, Advocate for the applicant
in CM-CWP-PIL-134-2025.

SUMEET GOEL, JUDGE

1. By way of the present common judgment, we proceed to decide the instant batch of three civil writ petitions, since there is commonality of the facts and congruity of legal issues therein, as stated by learned rival counsel. The details of these writ petitions read, thus:

- (a) Anuj Malik vs. The Union of India and others (CWP-PIL-104-2025)
- (b) Kanvik Foundation vs. State of Haryana and others (CWP-PIL-120-2025).
- (c) Davinder Singh vs. State of Punjab and others (CWP-PIL-89-2025)

For the cause of convenience, the facts are drawn out from CWP-PIL-104-2025 titled as Anuj Malik vs. The Union of India and others (hereinafter referred to as the *petition in hand*).

2. The *petition in hand* has been preferred under Article 226 of the Constitution of India with the following substantive prayer:

- i. Issuance of a writ in the nature of mandamus directing the Respondents to take immediate and appropriate action to restrain all online opinion trading platforms, mobile applications, websites, and digital mediums from advertising, promoting, or marketing betting and wagering activities through platforms including YouTube, X(twitter), Instagram, Facebook, Radio, Print Media, Television, etc. in violation of the Public Gambling Act, 1867, Bhartiya Nyaya Sanhita, 2023, Haryana Prevention Of Public Gambling Act, 2025, Information Technology Rules, 2021 and various other government guidelines, circulars, governing gambling and public order;*
- ii. Further to issue a writ in the nature of mandamus directing the Respondents to issue appropriate executive instructions to authorities*



4

mendacious deployment of nomenclature evocative of legitimate securities trade and exchange, disingenuously present themselves as veritable investment and trading conduits. However, a meticulous scrutiny of the activities transacted thereon unequivocally reveals them to be fundamentally imbued with the characteristics of pure gambling and wagering. Learned senior counsel has further implored that since these platforms, by their very nature & operation, are utterly devoid of the indica of genuine financial investment, and rather are gambling and betting with a cloak of investment platforms, it is incumbent upon this Court to pass appropriate directions to the respondents, so that gullible users may be saved.

4. *Per contra*, learned State counsel has submitted that there already exists legal and statutory frame-work within which any aggrieved person can approach the concerned authorities for redressal of any grievance(s), as raised by the petitioner. Learned State counsel has, in this regard, specifically drawn the attention of this Court, to The Haryana Prevention of Public Gambling Act, 2025 which has been notified w.e.f. 09.04.2025. Ld. State counsel has further implored that without adverting to the existing statutory framework and approaching this Court by way of PIL amounts to bypassing the legislature mandate.

5. We have heard learned counsel for the rival parties and have perused the record.

6. The very genesis of Public Interest Litigation (PIL), an innovation that blossomed through a series of seminal judicial pronouncements emblematic of judicial activism, has, in contemporary jurisdiction, assumed an unparalleled salience. It serves an indispensable instrument for catalyzing profound societal transformations & fostering



essential reforms. With the passage of nearly half a century since the Hon'ble Supreme Court first evinced its willingness to entertain such petitions, the intrinsic importance and profound necessity of PIL as a potent catalyst for social amelioration and systemic reforms cannot, under any conceivable circumstance, be gainsaid or eclipsed. The wellspring of the adjudicatory authority in matters of PIL lies in the expansive writ jurisdiction meticulously reposed in the Constitutional Courts. This endowment bestows upon this Court a remarkably broad and plenary jurisdiction, empowering this Court to ensure the unfettered dispensation of justice and to assiduously address any infringement whatsoever of the fundamental constitutional rights or other legal entitlements of the citizenry.

6.1. Notwithstanding this vast and pervasive jurisdiction, it has been the consistent predilection of this Court's to exercise a degree of circumspection, manifesting in a form of self-imposed judicial restraint. It is in this precise context that a critical caveat emerges, demanding meticulous adherence: Where a robust and adequate statutory framework already subsists, providing efficacious mechanisms and prescribed procedures for the redressal of a particular grievance, the invocation of the extraordinary jurisdiction of this Court by way of a PIL, in lieu of availing the remedies specifically ordained by the extant statutory provisions, is manifestly inappropriate and, indeed, impermissible. The rationale for this judicial circumspection is manifold and deeply rooted in jurisprudential wisdom, viz:

Firstly, the presence of a comprehensive statutory framework implies that the Legislature, in its collective wisdom, has already deliberated upon and provided specific avenues for grievance redressal. Allowing unfettered recourse to PIL in such instances would amount to a judicial



6

usurpation of legislative foresight and undermining the primary responsibility of the Legislature to craft laws.

Secondly, these statutory frameworks often establish administrative authorities vested with requisite expertise. Bypassing these meticulously designed mechanisms through PIL circumvents the intended architecture of grievance redressal and potentially diluting the role of expert authorities.

Thirdly, encouraging indiscriminate PILs, despite available statutory remedies, leads to an unwarranted proliferation of litigation, burden on Constitutional courts as well as judicial docket explosion. This risks transforming Constitutional courts into primary redressal *fora* rather than their intended role as ultimate arbiters of Constitutional questions. Judicial resources, being scant and precious, must be conserved for matters of genuine public importance requiring direct intervention and to address systemic injustices for those truly lacking alternative avenues.

6.2. Adverting to the factual milieu of the *petition in hand*, since there exists adequate statutory frameworks for redressal of the grievances articulated in the *petition in hand*, including The Haryana Prevention of Public Gambling Act, 2025, there arises no occasion for this Court to entertain the *petition in hand* under its extraordinary writ jurisdiction. However, as a matter of abundant caution & to exclude any misconstruction, it is hereby unequivocally clarified that this Court has not expressed any observation, whatsoever, on the substantive merits of the grievance(s) and issue(s) propounded by the petitioner. The decision to decline entertainment of the *petition in hand* is predicated solely upon the availability of specific, pre-existing statutory framework designed to address such matters. This



Court harbors no reason to not anticipate that the concerned authorities, shall diligently consider the grievances and issues raised in the *petition in hand*, and proceed to adjudicate upon them strictly in accordance with law and established procedure.

7. In view of the prevenient ratiocination, the instant batch of civil writ petitions is disposed of in the following terms:

(i) The petitioner is at liberty, in accordance with law, to raise his grievance before the concerned authorities in terms of extant law(s), including The Haryana Prevention of Public Gambling Act, 2025. There is no gainsaying that, in case, any such grievance/complaint is made, the same shall be dealt with in accordance with law.

(ii) Pending application(s), if any, shall also stand disposed of accordingly.

(iii) No disposition as to costs.

(SUMEET GOEL)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

June 20, 2025
Ajay/Jatin

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No