

**HIGH COURT OF TRIPURA
AGARTALA
WA NO.138 OF 2023**

Mr. Subham Roy and ors.
Vs.
The State of Tripura and ors.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Present:

For the Appellant(s) : Mr. Soumya Majumder, Advocate.
Mr. S. Bhattahcharjee, Advocate.

For the Respondent(s) : Mr. S.S. Dey, Advocate General.
Mr. Kohinoor N. Bhattacharjee, G.A.
Ms. A. Chakraborty, Advocate.

12.12.2023

Order

This present appeal has preferred against the Order dated 6th October, 2023, passed in WP(C) No.471 of 2023 by the learned Single Judge seeking the following reliefs:-

- " 1. Admit the appeal.
2. Call for the records.
3. Stay of the impugned judgment and order.
4. After hearing the parties, set aside the impugned judgment and order dated 6th October, 2023 passed by the Hon'ble Single Judge in WP(C) No.471 of 2023.
5. Dismiss the writ petition as being not maintainable before a Single Bench of the Hon'ble High Court and the writ petitioners having no locus standi to file the writ petition vis-à-vis the reliefs sought for therein.
6. Set aside all orders passed in connection with WP(C) No.471 of 2023 including the orders dated 2nd August 2023 , 3rd August, 2023 and 6th August 2023.
7. Declare that amendment of the Rules and Regulations of TCA by the General Body in meeting held pursuant to the order dated 3rd August, 2023 is bad in law.
8. Stay the providing of WP(C) No.4671 of 2023.
9. Stay all action taken by the respondents consequent to order passed in WP(C) No.471 of 2023.
10. And pass any order or orders as may be deemed fit for fair ends of justice."

2. Heard Mr. Soumya Majumder, learned counsel along with Mr. S. Bhattacharjee, learned counsel appearing for the

appellants as well as Mr. S.S. Dey, learned Advocate General assisted by Ms. A. Chakraborty, learned counsel appearing for the respondents.

3. The case of the appellants herein is that the writ petition was not maintainable under Article 226 of the Constitution of India, since the petitioners before the learned Single Judge were not aggrieved persons and they have not made out a case for considering their request under Public Interest Litigation(*in short 'PIL'*). Their reliefs sought are inconsistent and their stature in terms of *locus standi* is also inconsistent. Accordingly, the same needs to be dismissed *limini*.

4. Mr. S. Majumder, learned counsel appearing for the appellants herein have also contended that the proceeding dated 16.10.2023 passed by the learned Single Judge is not expressly, unwarranted and same travels beyond the scope of the writ petition and further contended that out of the 3(three) prayer in the writ petition i.e., i) *for dissolving and conducting the elections*. ii) *for handing over the affairs to the administrator* iii) *to cause an investigation through proper agency*, ii) and iii) have been considered by the learned Single Judge and that would infringe the legitimate right of the appellants thus prayed to set aside the order dated 06.10.2023.

5. The learned Advocate General appearing for the State contends before this Court that the order passed by the learned Single Judge is correct in so far as the question of maintainability is concerned and 2nd and 3rd relief granted by the learned Single Judge

by order dated 16.10.2023 is just and proper since the public money is involved and prayed to dismiss this writ appeal.

6. The learned counsel appearing for the appellants in reply submits before this Court that in several Judgments of the Hon'ble Supreme Court way back in the year 1962 in Judgment reported in **AIR 1962 SC 1044** titled as **Calcutta Gas Company(Proprietary) Ltd Vs. State of West Bengal and ors**, in 2011 in Judgment reported in **(2011) 7 SCC 639** titled as **State of Madhya Pradesh Vs. Narmada Bachao Andolan and anr.**, and in 2020 in Judgment reported in **(2020) 9 SCC 356** titled as **Hari Krishna Mandir Trust Vs. State of Maharashtra and ors.**, the Hon'ble Apex Court has repeatedly and time and again held that in terms of 'PIL' there are certain guidelines which have been enforced in which the writ petition does not fit, and accordingly, the writ petition ought to have been dismissed.

7. Heard both sides and perused the evidence on record.

8. It is seen from the record that the said writ petition is still pending and the next date of hearing is on 18.12.2023. The present writ appeal is filed against an interlocutory proceedings of the Court dated 06.10.2023. In so far as the contention made by the learned counsel for the appellant on the point of *locus standi* is concerned, it is evident from the record that in the membership list at serial Nos. 126 and 162, the names of both the writ petitioners Mr. Partha Saratha Gupta and one Mr. Sachindra Nath are found in the membership list, and accordingly, this Court treats them as members unless the same is disputed. Accordingly, they have *the locus* to file the writ petition and since they are the members of the Tripura

Cricket Association(in short 'TCA'), they can ventilate their grievance in the event there is anything wrong in terms of administration; misappropriation, and embezzlement of the fund. For a moment, if a stranger who is having interest in the Cricket and approaches the Court, the same can be treated as PIL. But here is the case where the petitioners being associated with the TCA have approached this Court ventilating certain irregularities that to after approaching the Government and filing his objection on the said allegations.

9. The learned Single Judge on several occasions as seen from the record have taken all steps for conducting mediation before the Court and also recorded their concerns for settling the matter cordially. Finally by judicial proceeding dated 06.10.2023, it was indicated that in view of the serious allegations, the investigating agency needs to be assigned with the job. Accordingly, a direction has been issued. Further direction was also issued for appointing an administrator to take care of the affairs of the TCA. However, the learned Single Judge has not passed any order with regard to the dissolution of the body and to proceed with election.

10. In view of the same, this Court feels that the rights of the petitioners being members are not infringed and in fact, the appellants herein being the sportspersons in all fairness could have shown their sportsmen spirit and cooperate with the investigation agency and also with the administrator for keeping up the majesty of the Tripura Cricket Association. This Court expects them to be an example to all players and the persons who are interested in cricket.

11. It is seen from the record that the appellants who has been impleaded in the writ petition has not chosen to file his counter

affidavit before the learned Single Judge in the writ petition and prayed to dismiss the writ petition on the grounds that are available to him.

12. In view of the above observation, this Court finds that no interference is required and writ appeal fails and the same is dismissed for the reasons indicated above.

13. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

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