

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 471 of 2023

Partha Sarathi Gupta and another

..... Petitioner(s)

Versus

The State of Tripura and others

..... Respondent(s)

For the Petitioner(s)

: Mr. P. Sharma, Advocate
Mr. Maloy Debnath, Advocate

For the Respondent(s)

: Mr. S.M. Chakraborty, Advocate General
Mr. Kohinoor N. Bhattacharya, G.A.
Mr. Sankar Lodh, Advocate
Ms. Pinki Chakraborty, Advocate
Mr. Tanmay Debbarma, Advocate
Ms. Ayantika Chakraborty, Advocate

WP(C) 473 of 2023

Subrata Dey and others

..... Petitioner(s)

Versus

The State of Tripura and others

..... Respondent(s)

For the Petitioner(s)

: Mr. Bidyut Majumder, Advocate
Mr. Anoop George, Advocate
Mr. Sukanta Sarkar, Advocate

For the Respondent(s)

: Mr. S.M. Chakraborty, Advocate General
Mr. Kohinoor N. Bhattacharya, G.A.
Mr. Sankar Lodh, Advocate
Ms. Pinki Chakraborty, Advocate
Mr. Kishalay Roy, Advocate

Date of hearing & delivery
of judgment & order

: 11.08.2025

Whether fit for reporting

: No

BEFORE
HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)

[1] When the case is called, Mr. Bidyut Majumder, learned counsel appears on behalf of the petitioners in WP(C) 473 of 2023. Mr. S.M. Chakraborty, learned Advocate General and Mr. Kohinoor N. Bhattacharya, learned G.A. appears for the State in both the cases i.e. WP(C) 471 of 2023 & WP(C) 473 of 2023. Mr. Sankar Lodh, learned counsel is also present for his respective clients (TCA officials) in both the cases.

[2] The present writ petition being WP(C) 471 of 2023 has been preferred under Article 226 of the Constitution of India seeking the following reliefs:

“PRAYER

In the premises aforesaid it is humbly prayed before Your Lordship that Your Lordship may be so pleased to consider the above facts and issue RULE NISI calling upon the respondents to show cause as to why a writ of mandamus appointing Administrator to administer and manage the day-to-day affairs of Tripura Cricket Association.

AND

(i) As to why a writ of mandamus shall not be issued directing Respondent No.2 to constitute a Special Investigation Team for investigating the matter of financial irregularity in procurement of High Mast L.E.D. Flood Light in M.B.B. Stadium under Tripura Cricket Association.

AND

(ii) As to why a writ of mandamus shall not be issue directing a fresh election to be conducted to the TCA and Apex Council of the Tripura Cricket Association.

AND

(iii) As to why any other orders/writ or writs shall not be issued by this Hon'ble Court may deem fit and proper in the given facts and circumstances of the case.....”

[3] The instant petition being WP(C) No.473 of 2023 has been preferred under Article 226 of the Constitution of India seeking the following reliefs:

“PRAYER

In the premises aforesaid it is humbly prayed before Your Lordship that Your Lordship may be so pleased to consider the above facts and issue RULE NISI calling upon the respondents to show cause as to why a Writ of Certiorari and/or in the nature thereof calling upon the respondents, to transmit the records, relevant to the subject matter i.e. documents relating to management of the affairs of Tripura Cricket Association relating to appointments, all resolutions of Apex Council relating to the subject of this writ petition, existing Names of representatives of full members, authorization letters of Full members, all documents (technical, financial etc) relating to procurement of High Mast L.E.D. Flood Light in M.B.B. Stadium under Tripura Cricket Association. of this writ petition, for rendering substantial and conscionable justice to the petitioner

AND/OR

As to why a writ of mandamus directing the respondents No 3 to 5 to abide by the directions contained in the resolution dated 20/07/2023.

AND/OR

As to writ of certiorari declaring that the composition of Apex Council is ultra vires to the provision of the Memorandum of Association Rules & Regulation of Tripura Cricket Association and also the recommendation of Supreme Court vide its order dated 14/09/2023 in case No. I.A. 49930/2020 in Civil Appeal 4235/2014.

AND/OR

As to writ of Mandamus directing Respondent No. 2 to immediately initiate process to constitute a Special Investigating Team to inquire into the allegation of financial irregularity in the matter of procurement and installation of high mast flood light at MBB Stadium under TCA.

AND

Also to direct that concerned persons i.e the Vice President, Hony General Secretary, Treasurer, Office Secretary etc who are involved in the decision making process of the above procurement shall cease to perform any duty in TCA and also refrain from entering in the office of TCA, so that there is no tempering of evidence or influencing of witnesses by them.

As to why any other orders/writ or writs shall not be issued by this Hon'ble Court may deem fit and proper in the given facts and circumstances of the case.

AND/OR

As to why any writ or writs under Article 14 of the Constitution of India shall not be issued for protection of the constitutional and legal right of the petitioners against the illegal and arbitrary action of the respondents No. 3 to 5.....”

[4] Since the prayers made in the both the writ petitions i.e. WP(C) 471 of 2023 and WP(C) 473 of 2023 are almost identical, the same are clubbed together for disposal by a common order. Undisputedly, the reliefs sought for with regard to constitution of Special Investigating Team (SIT, for short) and conducting the elections, are already complied with. A report of the SIT regarding completion of investigation is also placed on record. This Court feels that it would not be appropriate to summon the reports and to examine the same under Article 226 of the Constitution of India since, the prayer made is only to constitute SIT and the same has been done and accordingly, the elections have also been held. Insofar as, any other disputes amongst the parties are concerned, they have alternative effective remedies. Further, the disputed questions of facts cannot be called into under Article 226 of the Constitution of India by way of these writ petitions.

[5] In view of the above discussions, the present writ petitions stand dismissed. The personal appearance of the parties concerned, is hereby dispensed with.

[6] As a sequel, miscellaneous application(s), pending if any, shall also stand closed

JUDGE

Sabyasachi G.

SABYASACHI
GHOSH

Digitally signed by SABYASACHI
GHOSH
Date: 2025.08.14 17:08:19 +05'30'