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W.A.No.2449 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2449 of 2022
and C.M.P.Nos.19009 to 19011 of 2022

Durgempudi Siva Kesava Reddy

.. Appellant

vs.

- 1.The District Registrar (Registration of Societies),
District Registrar Office, Central,
Chennai-600 014.
- 2.The Board of Control for Cricket in India (BCCI),
4th Floor, Cricket Centre Wankhede Stadium,
'D' Road, Church Gate, Mumbai,
Maharashtra-400 020.
- 3.The Tamil Nadu Cricket Association,
Rep., by its Secretary, M.A.Chidambaram Stadium,
5, Victoria Hostel Road, Chepauk,
Chennai-600 005.
- 4.Dr.D.Chandrashekar, I.A.S.(Retd.),
The Electoral Officer,
Tamil Nadu Cricket Association,
Chepauk, Chennai-600 005.
- 5.Dr.P.Ashok Sigamani
S/o Dr.K.Ponmudi,
Villupuram District Cricket Association,
No.668, P.J.N. Road,
Upstairs:City Union Bank,
Villupuram-605 602.



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6.S.Prabu,

Hon. Secretary, Sumangali Homes 5/157,
Perumal Koil Street, Medavakkam,
Chennai-600 100.

7.Adam Sait

Hon. Secretary, Unicorn Cricket Club 306,
2nd Main Road, Natesan Nagar,
Virugambakkam, Chennai-600 092.

8.R.I.Palani,

Hon. Secretary, Egmore Club,
Old No.9, New No.19,
Santhome High Road,
Mylapore, Chennai-600 004.

9.K.Shiva Kumar,

Hon. Secretary, Aruna Cricket Club,
"Dominion" Apts-1A, 10B, 14 VGM Street,
Nungambakkam, Chennai-600 034.

10.Dr.R.N.Baba, Hon. Secretary,

Thiruvallur Dt. Cricket Association,
Dr.Rabindran's Health Care Centre (P) Ltd.,
212, M.T.H. Road, Ambattur,
Chennai – 600 053.

11.R.R.Kalidas Vandayar,

Hony. Secretary, Thanjavur Dt. Cricket Association,
71A, Parisutham Nagar, Thanjavur.

12.T.J.Srinivasaraj,

Hon. Secretary, Sea Hawks Cricket Club,
No.14, Gnanambal Garden, 2nd Street,
Ayanavaram, Chennai-600 023.

13.Bhagwandas Rao,

Hon. Secretary, Sounder Cricket Club,
11/5, Ganapathy Colony, 2nd Street,
Gopalapuram, Chennai-600 086.



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14.K.N.Naresh,

Hon. Secretary, George Town United Club,
Plot No.1048, "H" Block 28th Street,
Ponni Colony, Anna Nagar,
Chennai-600 040.

15.Yunus A Laila and Yusuf A Laila,

Hon. Secretaries, Youth Centre Cricket Club,
C/o Best Enterprises, New No.64, Old NO.56,
Sembu Dass Street, Chennai-600 001.

16.V.Arunachalam,

Candidate, Apex Council Members,
TNCA, Chepauk, Chennai.

17.Balaji Maradapa,

Hon. Secretary, The Jupiter Sports Club,
"Golden Gate" 35, Sir Habibullah Road,
T.Nagar, Chennai-600 017.

18.T.K.Rushyendra Kumar,

Hon. Secretary, The National Recreation Club,
AP-9, 8th Street, Anna Nagar West Extension,
Chennai-600 101.

19.R.M.Lakshman Narayan,

Hon. Secretary, Theni Dt. Cricket Association,
Menaka Pvt., Ltd., Unit-2, 3-1-47,
Cumbum Road, P.C.Patty, Theni-625 531.

20.K.Sanjay,

Hon. Secretary, Tiruchirapalli Dt. Cricket Association,
No.3, II Floor, North Drowbathi Amman Koil Street Road,
(Above Indian Overseas Bank) Puthur, Trichy-620 017.

21.N.Sivaramakrishnan,

Candidate, Apex Council Members,
TNCA, Chepauk, Chennai.

... Respondents



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Appeal filed under Clause 15 of Letters Patent against the order dated 04.11.2022 made in W.M.P.No.28609 of 2022 in W.P.No.29306 of 2022.

For Appellant : Mr.G.Murugendran
for Mr.M.Jothikumar

For Respondents : Mr.P.R.Raman, Senior Advocate
for Mr.C.Seethapathy for R3

Mr.V.Ramesh
for Mr.V.Karthikeyan
for R5 to R21

JUDGMENT

(Delivered by PARESH UPADHYAY.,J)

1. Today Hon'ble the Acting Chief Justice is holding Court at Madurai. Today (04.11.2022) at 1.30p.m., urgent mention was made before us by Mr.G.Murugendran learned Advocate, for circulation of one writ appeal arising from the order passed by learned single Judge, which was claimed to have been passed today, whereby the interim relief is not granted in favour of the writ petitioner. Since great urgency was projected, with a view to see that a citizen does not go with the feeling that he ought to have been heard by the Court, though the Bench composition in post-lunch session was different, permission was granted to consider the grievance of the appellant at 2.15 p.m.



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Accordingly this writ appeal is considered by the Bench at 2.15 p.m. today.

2. Learned advocate for the appellant / writ petitioner has submitted that, though the order of learned single Judge is not available with him, since it is dictated today, he states that, learned single Judge has issued notice to the respondents on the writ petition but has chosen not to exercise discretion to grant interim relief as prayed for. It is under these circumstances we have considered the grievance of the writ petitioner / appellant on the basis of the paper book of the writ petition, in presence of learned Advocates for the respondents. We note that, learned advocate for the appellant has addressed the Court at length on merits of the matter.

3. The prayer clause in the writ petition reads as under:-

"For the foregoing reasons, it is therefore prayed that this Hon'ble Court may be pleased to grant an Injunction to restrain the 4th respondent from conducting the election scheduled on 05.11.2022 pursuant to the impugned election schedule



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published by the 3rd respondent dated 14.10.2022, pending disposal of the writ petition and thus render justice.

For the foregoing reasons, it is therefore praying this Hon'ble Court may be pleased to issue a writ or order or direction more particularly in the nature of Writ of Certiorari Mandamus to call for the records pertaining to the 3rd respondent notice, agenda, and election schedule dated on 14.10.202 as well as the 4th respondent published valid candidate list and contesting final list dated 22.10.2022 & 29.10.2022 quash the same as illegal and consequently direct the 3rd respondent to appoint a new electoral officer to conduct afresh election after amending the justice Lodha Committee reforms to the district cricket association level and pass further necessary orders as this Hon'ble Court may deem fit in the circumstances of the case and thus render justice."



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4. The point at issue in this appeal therefore is, whether injunction as prayed for by the writ petitioner should have been granted or not.

5. We have also heard Mr.P.R.Raman, learned Senior Advocate for the third respondent, who is the main contesting party, at this stage. We note that, learned Advocates for the other respondents, including the private respondents who are contesting election are also present before the Court and have attempted to make submissions to the extent necessary, beyond which we have not permitted, in view of the final order being recorded on this appeal. As already noted above, learned Advocate for appellant has addressed the Court at length raising various contentions, however, since it is not in dispute that learned Single Judge has issued notice and the writ petition is large open, expressing any opinion qua the contentions raised on behalf of the appellant may prejudice either of the parties and therefore the same is not done.

6. Having heard learned advocate for the appellant and the third respondent and having considered the material on record, we find that, this is not the case, which warranted injunction against the



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election to be held tomorrow, as prayed for by the writ petitioner, in exercise of powers under Article 226 of the Constitution of India, assuming that the writ petition is otherwise maintainable. The same is rightly not done by learned single Judge. Once learned single Judge has, under Article 226 of the Constitution of India, refused to exercise discretion, we find that, under Clause 15 of Letters Patent, the refusal to exercise discretion by learned single Judge, in the facts of this case, can not be termed to be an error, much less an error apparent on the face of record. This appeal is therefore needs to be dismissed.

7. For the reasons recorded above, this appeal is dismissed. No costs. Consequently, connected miscellaneous petitions would not survive.

8. Registry shall complete the procedural aspects about registration of this appeal.

(P.U., J) (D.B.C., J)
04.11.2022

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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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