

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4531 of 2023

=====

Ajay Narayan Sharma S/o Late Kumar Narayan Sharma, R/o Shayam Bhawan, Choudhary Tola, P.O. Mahendru, P.S. Sultanganj, District - Patna.

... .. Petitioner/s

Versus

1. The Board of Control for Cricket in India through its Honorary Secretary, Cricket Centre, 4th Floor, Vankhede Stadium, Church Gate, Mumbai.
2. The Honorary President, Board of Control for Cricket in India Cricket Centre, 4th Floor, Vankhede Stadium, Church Gate, Mumbai.
3. The Honorary Secretary, Board of Control for Cricket in India, Cricket Centre, 4th Floor, Vankhede Stadium, Church Gate, Mumbai.
4. The Bihar Cricket Association through its Honorary Secretary, Shail Raj Complex, Budh Marg, Patna.
5. The Honorary Secretary, Bihar Cricket Association, Shail Raj Complex, Budh Marg, Patna.
6. The Honorary President, Bihar Cricket Association, Shail Raj Complex, Budh Marg, Patna.
7. The Committee of Management, Bihar Cricket Association, Shail Raj Complex, Budh Marg, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jagannath Singh
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 25-04-2023

The writ petitioner has invoked the writ jurisdiction under Article 226 of the Constitution of India by way of the instant writ proceedings instituted as a Public Interest Litigation seeking issuance of directions for restraining office bearer of the Bihar Cricket Association from interfering with functioning of



the Committee of management of the association including its Honorary Secretary.

2. The issue espoused, having regard to the nature of relief is an apparent alleged clash between the Honorary President of the Association and Honorary Secretary of the Association. Neither of two persons have been impleaded by name as party respondents to the writ proceedings, whereas they have both been referred to by name in the writ petition.

3. Reliance is also sought to be placed by an order passed by the Ombudsman of the Bihar Cricket Association, allegedly, restraining the President to discharge the functions of the Secretary.

4. The nature of controversy raised in the writ proceedings involve an internal dispute between the office bearers of the Association which essentially lies within the realm of private law.

5. Learned counsel for the petitioner has placed reliance on decision of the Apex Court in the Case of ***Zee Telefilms Ltd. V. Union of India***, reported in ***(2005) 4 SCC 649***.

6. Under similar circumstances, this Court in the case of ***Kumar Arvind vs. The Bihar Cricket Association***, vide order dated 29.04.2022, passed in ***C.W.J.C. No. 2809 of 2022*** has held



as follows:-

“24. It is significant, however, to note that the Supreme Court's decision in case of Board of Control for Cricket in India v. Netaji Cricket Club(supra) had arisen out of a civil suit. In our opinion, the Ombudsman under the memorandum of association, rules and regulations cannot be said to be a quasi judicial forum created by any statutory authority. Such controversies, as are being raised in the present writ application, in our opinion, should normally not be entertained in a proceeding under Article 226 of the Constitution of India.

25. In such view of the matter, we decline to exercise our prerogative writ jurisdiction under Article 226 of the Constitution in the present facts and circumstances of this case.

26. The petitioner shall, however, be at liberty to seek remedy under ordinary course of law before a civil court of competent jurisdiction or any other appropriate forum as may be permissible to him. We have not entered into the merits of the petitioner's claim as we have declined to entertain this writ application in the present facts and circumstances. It is accordingly made clear that any observation made in the present order shall not be treated to be any observation on the merits of the contentions raised by either of the parties.

27. This writ application is accordingly dismissed with the aforesaid observations.”

7. Having regard to the nature of relief with reference to the nature of controversy being raised in the instant writ proceedings, this Court does not find any reason to take a different view.



8. The writ petition is dismissed in terms of the above noted decision in the case of *Arvind Kumar vs. the Bihar Cricket Association & Ors.* passed in *C.W.J.C. No. 2809 of 2022.*

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

rajkishore/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	04.05.2023.
Transmission Date	N/A

