

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1020 of 2023

Om Prakash Tiwari S/o Muneshwar Tiwari, R/o Shreya Ward No. 1, Gopalganj, Manikpur, Gopalganj, Bihar - 841428 and presently resides at 501, Deep Leela Complex, Vindhyawashni Street Kadam Kuan, Patna, Bihar - 800003.

... .. Petitioner/s

Versus

1. The Board of Control for Cricket in India through its Secretary 4th Floor, Cricket Center, Wankhede Stadium D Road, Church Gate, Mumbai, Maharashtra - 400020.
2. The Secretary Board of Control for Cricket in India, 4th Floor, Cricket Center, Wankhede Stadium D Road, Churchgate, Mumbai, Maharashtra - 400020.
3. The CEO, through its Secretary Bihar Cricket Association, Raj Complex, Shail, Budh Marg, Patna, Bihar - 800001.
4. The Secretary, Bihar Cricket Association, Raj Complex, Shail, Budh Marg, Patna, Bihar - 800001.
5. The Electoral Officer, Bihar Cricket Association, Raj Complex, Shail, Budh Marg, Patna, Bihar - 800001.
6. The State of Bihar through the Inspector General, Prohibition, Excise and Registration, Government of Bihar.
7. The Assistant Inspector General, Prohibition, Excise and Registration, Government of Bihar.
8. The District Magistrate, Patna.
9. The Additional Collector, Patna.
10. The District Co-operating Officer, Patna.
11. The District Sports Officer, Patna.
12. Rakesh Kr. Tiwary, S/o Suresh Tiwary, President, Bihar Cricket Association, Shailraj Complex, Budh Marg, Patna.
13. Dilip Singh S/o Not Known, Vice President, Bihar Cricket Association, Shailraj Complex, Budh Marg, Patna.
14. Ashutosh Nandan Singh, Treasurer, Bihar Cricket Association, Shilraj Complex, Budh Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Advocate
	:	Mr. Girish Pandey, Advocate
	:	Mr. Aryan Sinha, Advocate
For the Respondent/s	:	Mr. Kumar Manish, SC-5
	:	Mr. Rayan Srivastava, Advocate
	:	Mr. Raju Giri, Advocate
For the B.C.A.	:	Mr. Santosh Kumar Mishra, Advocate
	:	Mr. Harsh Vardhan, Advocate



: Mr. Raju Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

Date : 25-04-2023

Heard learned Senior Counsel for the petitioner Shri Amit Shrivastava and learned counsel for the respondents.

The learned Senior Counsel, at the outset, submits that he is confining his relief to Para 1 (B) (vi) of the writ application. The learned Senior Counsel submits that the present writ application has been filed seeking a direction upon the District Magistrate, Patna i.e. respondent no. 8 to conclude the enquiry as directed by the Inspector General, Prohibition, Excise and Registration, Government of Bihar relating to illegality committed in Bihar Cricket Association Election as contained in Annexure 8.

The learned Senior Counsel submits that presently he is not pressing the writ application on merit and the petitioner would be satisfied in the event if a direction is issued to the District Magistrate, Patna to conclude the enquiry as directed by the A.I.G. Registration *vide* his letter No. 890 dated 29.09.2022 within a time frame.

The learned counsel for the respondents submits that the relief which the petitioner is claiming in the present writ application was also agitated before the Hon'ble Supreme Court in



Civil Appeal No. 4235 of 2014 and the Hon'ble Supreme Court by order dated 30.09.2022 had come to a considered conclusion that any dispute relating to the election can be pursued by adopting suitable remedies as are open in law, accordingly, liberty was granted to the applicants to seek their remedies as available in law for challenging the outcome of the elections.

The learned counsel for the respondents further submits that in terms of the order of the Hon'ble Supreme Court the only remedy which the petitioner or any aggrieved person has with respect to the outcome of the election is to file an election petition before the learned Trial Court of competent jurisdiction.

The learned Senior Counsel rebuts the submission of the learned counsel for the respondents and submits that Rule 18 of the Bihar Societies Registration Rules, 2018 mandates that in the event of any dispute arising out of the existence of two rivals Governing and/or executive bodies for being a rightful Managing body of the society, then, the I.G. can ask the District Magistrate to enquire himself or through one of his subordinate officers and to submit a report, inviting all the rival bodies and hear the matter in person and cause re-election of the Governing and/or Executive body to be done in presence of an Observer appointed by the I.G., Registration.



Based on the findings from the aforementioned steps, the IG shall pass suitable order adjudicating the matter.

The learned Senior Counsel thus submits that the dispute basically arises out of an election and the parties are disputing the constitution of the governing body, as such, a complaint was made before the I.G., Registration who accordingly directed the District Magistrate, Patna to hold an enquiry and to submit a report. The said direction was in terms of Rule 18 of the Bihar Societies Registration Rules, 2018.

Be that as it may, the writ application is disposed of with a direction to the District Magistrate, Patna to conclude the enquiry as directed by the Inspector General, Prohibition, Excise and Registration, Government of Bihar within a period of forty-five days from the date of receipt/production of a copy of this order.

This order will be applicable only if the enquiry has not been concluded till now.

(Satyavrat Verma, J)

Adnan/Kundan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2023
Transmission Date	

