IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUSHRUT ARVIND DHARMADHIKARI

&

HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA

ON THE 18th OF JANUARY, 2023

WRIT PETITION No. 1044 of 2023

BETWEEN:-

RAKESH YADAV S/O DR KISHOR SINGH, AGED 56 YEARS, OCCUPATION: BUSINESS AND SOCIAL WORK R/O A/45 CHANDRA NAGAR, A.B. ROAD, INDORE (MADHYA PRADESH)

.....PETITIONER

(SHRI BRIAN D SILVA, SR. ADVOCATE WITH SHRI ROHIT SHARMA &SHRI AMIT UPADHYAY, LEARNED COUNSELS FOR THE PETITIONER)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY MINISTRY OF SPORTS, VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)**

2. **MADHYA PRADESH CRICKET ASSOCIATION THROUGH ITS CEO HOLKAR STADIUM, INDORE (MADHYA PRADESH)**

3. **BOARD OF CONTROL FOR CRICKET IN INDIA CRICKET CENTER, WANKHEDE STADIUM, MUMBAI (MAHARASHTRA)**

.....RESPONDENTS

(SHRI ANAND SONI, LEARNED ADDITIONAL ADVOCATE GENERAL FOR RESPONDENT NO.1/STATE)
(SHRI AJAY BAGADIA, SR. ADVOCATE WITH MS ANURADHA BAGADIYA, LEARNED COUNSEL FOR THE RESPONDENT NO.2).

This petition coming on for admission this day, ***JUSTICE SUSHRUT ARVIND DHARMADHIKARI*** *passed the following:*

ORDER

Heard finally with the consent of both the parties.

Instant petition has been filed by the petitioner under Article 226 of the Constitution of India in the shape of Public Interest Litigation alleging illegality, fraud and tax evasion committed by the respondent no.2-M.P. Cricket Association through its officers. Complaint in this regard has already been filed, but no action whatsoever has been taken by the State Government, knowing fully the conspiracy played and the fraud committed with the intention to put the public exchequer in loss and wrongful gain for them. The persons involved in the fraud are highly influential and have been acting in defiance of law. Image of cricket is maligned and the citizens/sports enthusiasts are deprived of the pleasure of watching live cricket in the stadium, particularly looking to the fact that the tickets are being black marketed. With the aforesaid grievance, the petitioner has prayed for the following reliefs:

(a) It is therefore prayed that this Hon'ble Court may kindly be pleased to call for the records of the case for kind perusal.

(b) Petitioner seeks kind indulgence of the Hon'ble Court that in the given facts and circumstances of the case, the upcoming International One Day Match of 24.01.2023 may be conducted under the observation of Independent Authority/Tribunal/Hon'ble Retired Justice of High Court.

(c) Any other relief which this Hon'ble Court deems fit under the facts and situation of instant matter.

2. At the time of hearing on admission, notices to the respondents were issued vide order dated 13.01.2023 and granted time to file reply by 17.01.2023. The respondent no.2 has filed reply today, which is taken on record.

3. Brief facts of the case are that the petitioner is an honest and vigilant socio-political worker, sports enthusiast and is a whistle blower and convener of "M.P. against MPCA Corruption" and has filed a complaint before the State authorities in respect of transparency in seat allotment/ticket allotment for the international cricket match to be held in Indore on 24.01.2023. Being a vigilant citizen, it is the duty of the petitioner to draw the kind attention of this Court to the illegal fraud and tax evasion committed by the respondent no.2 through its officers etc. which is causing loss to the State exchequer.

4. Learned counsel for the petitioner submitted that huge black marketing of tickets has taken place when the portal for sale of tickets through online portal was opened and within three minutes, it crashed. It cannot be imagined that the entire 28,000 tickets were sold within three minutes. In view of the aforesaid, learned counsel for the petitioner has prayed that one day international match to be held on 24.01.2023 may be conducted under the observation of independent authority.

5. Per contra, Shri Ajay Bagadia, Sr. Advocate appearing for the respondent no.2 contended that the present petition has been filed only on the basis of one newspaper cutting by a local eveninger accompanied with certain unsubstantiated and irrelevant mails sent by the petitioner to the State Government alleging irregularities in the working of respondent no.2. Apart from these, two documents, a balance sheet finally audited by a Chartered Accountant has been filed to show that no financial irregularities have been committed by the respondent no.2.

6. Learned counsel further submitted that it is trite law that no public interest litigation can be based merely on newspaper cuttings much less a single

cutting of a local eveninger who has published a news without verifying the facts from the answering respondents. Even, the credentials of the petitioner is required to be gone into as law is settled on the point that prior to entertaining the public interest litigation, the Courts are required to examine the credentials of the petitioner, correctness of the contents and what special public interest is involved in the matter. In the present case,the petitioner has not pointed out any of the public work which have been carried out by him to demonstrate the fact that petitioner is a public spirited person. No document has been filed to demonstrate that he is a public spirited person. On the contrary, only on the basis of a newspaper report, he has gathered information and filed the instant public interest litigation.

7. Learned Sr. counsel also pointed out that online portal did not crash at all as alleged by the petitioner. He further argued that the policy decisions with regard to distribution of complimentary tickets cannot be gone into in a Public Interest Litigation since the same has been done in compliance of the policy issued by the respondent no.3. In the auditors report as well, the auditor has not leveled any allegation with regard to any financial irregularity committed by the respondent no.2. All the taxes have been paid to the Municipal Corporation from time to time. On the aforesaid grounds, learned Sr. counsel for the respondent no.2 has prayed for dismissal of the writ petition with heavy cost on the petitioner for filing such frivolous petition.

8. Heard, learned counsel for both the parties and perused the record.

9. From perusal of the record, it is seen that the present petition has been filed in the nature of *pro bono publico* and under the head of antecedents of the petitioner. He has stated that he is a public spirited person, socio-political worker, sports enthusiast etc., but no document whatsoever has been filed to

show the *bonafide* of the petitioner. On the contrary, on the basis of one newspaper cutting(Annexure P-2), petitioner has come before this Court in the instant Public Interest Litigation.

10. It is a settled law that prior to entertaining PILs', the credentials of the petitioner is required to be looked into. The Courts are required to examine that (i) who is the petitioner? (ii) what does he do? (iii) how the petition filed relates for purpose of benefit of the society?

11. The Apex Court in the case of **State of Uttaranchal Vs. Balwant Singh Chaufal & Others reported in 2010(3) SCC 402** has held as under:

" It is held that before entertaining a PIL, the Courts must prima-facie satisfy itself of the credentials of the petitioner, the correctness of the contents thereof and the special public interest involved in it".

12. The Apex Court in the case of **Laxmi Raj Shetty Vs. State of Tamilnadu** reported in **AIR 1988 SC 1274** has held that:

"The Courts cannot take judicial notice of the facts stated in the news item published in a newspaper. A newspaper is not one of the documents referred to in Section 78 (2) of the Evidence Act and thus by a news items an allegation of fact cannot be proved. The presumption of genuineness attached u/S 81 of Act attached to a newspaper report cannot be treated as proved of the facts reported therein. The statement of fact contained in newspaper is merely hearsay and therefore inadmissible in evidence unless proved by evidence aliunde by the maker of the statement appearing in Court and deposing to have perceived the fact reported. It is well known that reporters collect information and pass it on to the editor who edits the news items and then publishes it. In this process the truth might get perverted or garbled.

Such news items cannot be said to proved themselves although they being taken into account with other evidence, if the other evidence is enforceable."

13. The co-ordinate Bench of this Court in the case of **Vikas Yadav Vs. State of M.P**. passed in **W.P. No. 7166/2014** decided on 14.02.2016 as well as in the case of **Dr. Tapan Bhattacharya Vs. Union of India** passed in **W.P. No. 1936/2017(PIL)** decided on 15.02.2018 have held that no PIL can be filed on the basis of newspaper reports and also looking to the antecedents of the petitioner, the writ petitions were not entertained.

14. Moreover, a detailed reply has been filed by the respondent no.2 wherein supporting documents have been filed to show that the taxes have been paid from time to time and all the mandatory compliance have been made. Even, the list of random names have been filed to show as to how the tickets have been sold to the general public at large.

15. From perusal of the reply, it is seen that tickets were sold for more than three days. The PIL has been filed by the petitioner without verifying the authenticity of the allegations leveled against the respondents and that too without any supporting documents. The same has been filed only with the purpose of gaining popularity.

16. In view of the above and also looking to the fact that it is settled proposition of law that PIL on the basis of newspaper reporting is not maintainable, this Court finds no reason to entertain the petition and the same deserves to be and is hereby dismissed with cost of **Rs. 25,000/- (Rupees Twenty Five Thousand only)** imposed on the petitioner for wasting the precious time of this Court. The petitioner is directed to deposit the aforesaid cost before the **High Court Legal Services Committee, Indore** within a period of 30 days from today, failing which the Registry is directed to list this

case under the head "Direction Matter", so as to enable this Court to pass appropriate order for recovery of the cost by way of arrears of land revenue.

C.C. as per rules.

(S. A. DHARMADHIKARI)
JUDGE

(PRAKASH CHANDRA GUPTA)
JUDGE

sh