HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 832 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 20/06/2025 in W.P.No.28798 of 2024 on the file of the High Court.

Between:

A.Prudhvishwar Reddy, S/o. A.Ravinder Reddy, Age. 28 years, Occ. Sports man, (currently General Secretary, TSBA) R/o. 7-1-282/C/1/7, Lingaiah Nagar, Byguda , Balkampet, Hyderabad-500016, Telangana State

...APPELLANT

AND

1. Sports Authority of Telangana, rep. by its Vice Chairman and Managing Director L.B.Stadium, Basheerbagh, Hyderabad
2. The Union of India, Ministry of Youth Affairs and Sports Rep.By its Principal Secretary, Secretariat, New Delhi
3. Telangana State Basket Ball Association, rep. by its General Secretary H.No. 10-3-67, Teachers Colony, East Marrrepally, Secunderabad-500026
4. Norman Swaroop Issac, S/o. Herald Swaroop Issac , Age. 54 Years, Occ. Manger State Bank of India, Lead Bank Office, Mahaboob Nagar, District,Telangana R/o. H.No. 10-3-67, Teachers Colony, East Marrrepally, Secunderabad-500026
5. Telangana State Basket Ball Association, rep. by its President 10-3-67, Teachers Colony, East Marrrepally . Secunderabad-500026
6. Sri Vasant Kumar, Returning Officer, Hyderabad District Basketball Association, 9-1-38,Cellar YMCA Secunderabad Complex , SP Road , Secunderabad -500003
7. The Hyderabad District Association, represented by its President, 10-3-67, Teachers Colony, East Marrrepally, Secunderabad-500026

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass direction against the respondent No.4 in prohibiting him from discharge his duties pending disposal of Appeal otherwise, the Petitioner would be put to severe loss and hardship.

Counsel for the Appellant: SRI M.GOVIND REDDY

Counsel for the Respondent No.1: SRI GUDI SATISH REDDY, SC FOR SATG

Counsel for the Respondent No.2: ADDL. SOLICITOR GENERAL OF INDIA

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL No.832 of 2025

JUDGMENT:

Heard Sri M. Govind Reddy, learned counsel for the appellant and perused the record.

2. Shorn of unnecessary details, the present writ appeal is filed by the writ petitioner aggrieved by the order of the learned Single Judge, dated 20.06.2025 passed in Writ Petition *vide* W.P.No.28798 of 2024 wherein the learned Single Judge held *inter alia* that the appellant/writ petitioner is not an aggrieved person and negated the challenge to the election of respondent No.4 as General Secretary of respondent No.3 i.e., Telangana State Basket Ball Association (for short, 'Association').

3. The appellant had filed W.P.No.28798 of 2024 being aggrieved by the action of respondent No.3 in not disqualifying/rejecting the nomination of respondent No.4 for election as General Secretary of the Association.

4. The appellant also filed another Writ Petition *vide* W.P.No.28797 of 2024 questioning the action of respondent No.3-Association, in continuing respondent No.4 as its General Secretary, despite the fact that respondent No.4 was convicted and sentenced in relation to offences committed under Section 420 of Indian Penal Code, 1860 and Sections 13(1) and 13(1)(d) of the Prevention of Corruption Act, 1988.

5. The learned Single Judge dismissed W.P.Nos.28797 and 28798 of 2024 by a common order dated 20.06.2025 holding *inter alia* that the appellant was not a person aggrieved inasmuch as he did not suffer any injury to his legal right or interest.

6. The appellant herein challenges the order of the learned Single Judge *inter alia* on the ground that the interest of the relevant community or the Society at large shall be adversely affected if respondent No.4 is allowed to continue as the Secretary of the Association. Further, it is the case of the appellant that respondent No.4 had misused the funds of the Association. The appellant further contends that respondent No.4 carries seal of

conviction notwithstanding the suspension of the sentence in the criminal appeal.

7. It is further case of the appellant that the criterion of an aggrieved person runs contrary to the doctrine of sufficient interest to maintain a writ petition; that he was holding the post of President of Warangal Basket Ball Association and that he has a keen interest in the sport, which the learned Single Judge ought to have appreciated and considered the fact that the continuation of respondent No.4 as the Secretary of the Association would be contrary to the sport of Basket Ball at large.

8. It is settled position of law that the concept of a person aggrieved alone being entitled to seek redressal under the writ jurisdiction has been well settled in a catena of decisions of the Hon'ble Supreme Court. In the case of ***Ravi Yashwant Bhoir v. Collector***[1], the Hon'ble Supreme Court was pleased to observe that:

> *58. Shri Chintaman Raghunath Gharat, ex-President was the complainant, thus, at the most, he could lead evidence as a witness. He could not claim the status of an adversarial litigant. The complainant cannot be the party to the lis. A legal right is an averment of entitlement arising out of law. In fact, it is a benefit*

[1] (2012) 4 SCC 407

conferred upon a person by the rule of law. Thus, a person who suffers from legal injury can only challenge the act or omission. There may be some harm or loss that may not be wrongful in the eye of the law because it may not result in injury to a legal right or legally protected interest of the complainant but juridically harm of this description is called damnum sine injuria.

59. The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a stat pro ratione voluntas reasons i.e. a claim devoid of reasons.

60. Under the garb of being a necessary party, a person cannot be permitted to make a case as that of general public interest. A person having a remote interest cannot be permitted to become a party in the lis, as the person who wants to become a party in a case, has to establish that he has a proprietary right which has been or is threatened to be violated, for the reason that a legal injury creates a remedial right in the injured person. A person cannot be heard as a party unless he answers the description of aggrieved party. (Vide Adi Pherozshah Gandhi v. Advocate General of Maharashtra [(1970) 2 SCC 484 : AIR 1971 SC 385] , Jasbhai Motibhai Desai v. Roshan Kumar [(1976) 1 SCC 671 : AIR 1976 SC 578] , Maharaj Singh v. State of U.P. [(1977) 1 SCC 155 : AIR 1976 SC 2602] , Ghulam Qadir v. Special Tribunal [(2002) 1 SCC 33] and Kabushiki Kaisha Toshiba v. Tosiba Appliances Co. [(2008) 10 SCC 766]) The High Court failed to appreciate that it was a case of political rivalry. The case of the appellant has not been considered in the correct perspective at all.

(emphasis supplied)

The Hon'ble Supreme Court in ***Vinoy Kumar v. State of U.P.***[2], was pleased to hold as under:

> *2. Generally speaking, a person shall have no locus standi to file a writ petition if he is not personally affected by the impugned order or his fundamental rights have neither been directly or substantially invaded nor is there any imminent danger of such rights being invaded or his acquired interests have been violated ignoring the applicable rules. The relief under Article 226 of the Constitution is based on the existence of a right in favour of the person invoking the jurisdiction. The exception to the general rule is only in cases where the writ applied for is a writ of habeas corpus or quo warranto or filed in public interest. It is a matter of prudence, that the court confines the exercise of writ jurisdiction to cases where legal wrong or legal injuries are caused to a particular person or his fundamental rights are violated, and not to entertain cases of individual wrong or injury at the instance of third party where there is an effective legal aid organisation which can take care of such cases. Even in cases filed in public interest, the court can exercise the writ jurisdiction at the instance of a third party only when it is shown that the legal wrong or legal injury or illegal burden is threatened and such person or determined class of persons is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the court for relief.*
>
> *(emphasis supplied)*

The Apex Court in ***S.P. Gupta v. Union of India***[3], has held as under:

> *17. It may therefore now be taken as well established that where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal*

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[2] (2001) 4 SCC 734
[3] 1981 Supp SCC 87

burden is threatened and such person or determinate class of persons is by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Court for relief, any member of the public can maintain an application for an appropriate direction, order or writ in the High Court under Article 226 and in case of breach of any fundamental right of such person or determinate class of persons, in this Court under Article 32 seeking judicial redress for the legal wrong or injury caused to such person or determinate class of persons...

(emphasis supplied)

9. The learned counsel for the appellant has placed his reliance in ***Godde Venkateswara Rao v. Government of Andhra Pradesh and Others***[4] particularly Para 8, which reads as under:

8. The first question is whether the appellant had locus standi to file a petition in the High Court under Article 226 of the Constitution. This Court in Calcutta Gas Company (Proprietary) Ltd. v. State of West Bengal [(1962) Supp 3 SCR 1, 6] dealing with the question of locus standi of the appellant in that case to file a petition under Article 226 of the Constitution in the High Court, observed:

"Article 226 confers a very wide power on the High Court to issue directions and writs of the nature mentioned therein for the enforcement of any of the rights conferred by Part III or for any other purpose. It is, therefore, clear that persons other than those claiming fundamental right can also approach the court seeking a relief thereunder. The Article in terms does not describe the classes of persons entitled to apply thereunder; but it is implicit in the exercise of the extraordinary jurisdiction that the relief asked for must be one to enforce a legal right .... The right that can be enforced under Article 226 also shall ordinarily be the personal or individual right of the petitioner himself, though in the case of some of the writs like habeas corpus or quo warranto this rule may have to be relaxed or modified."

Has the appellant a right to file the petition out of which the present appeal has arisen? The appellant is the President of the Panchayat Samithi of Dharmajigudem. The villagers of Dharmajigudem formed a committee with the appellant as President for the purpose of collecting

[4] AIR 1966 SC 828

contributions from the villagers for setting up the Primary Health Centre. The said committee collected Rs 10,000 and deposited the same with the Block Development Officer. The appellant represented the village in all its dealings with the Block Development Committee and the Panchayat Samithi in the matter of the location of the Primary Health Centre at Dharmajigudem. His conduct, the acquiescence on the part of the other members of the committee, and the treatment meted out to him by the authorities concerned support the inference that he was authorized to act on behalf of the committee.....

The said portion of the judgment does not in any way advance the cause of the appellant.

10. It is to be noted that the appellant/writ petitioner has failed to explain as to how his legal right or legal interest was infringed and also failed to prove as to how he is aggrieved by the inaction of respondent No.3-Association, of which the appellant is not a member. The appellant therefore cannot be allowed to meddle in any proceeding unless he satisfies the requirement of being an aggrieved person whose legal right or interest is adversely affected. Further, the appellant, for the reasons best known to him chosen to file the present appeal only against the order passed in W.P.No.28798 of 2024 ignoring the order passed in other writ petition *vide* W.P.No.28797 of 2024.

11. It is pertinent to note that the Telangana State Basket Ball Association Bye-laws do not contemplate disqualification of

respondent No.4 on the ground of conviction in a criminal offence or on the ground of pendency of a criminal offence.

12. The appellant has failed to make out any ground warranting the interference of this Court in the well reasoned order of the learned Single Judge.

13. Therefore, this Court is of the view of that the appellant not being a member of respondent No.3-Association and having failed to establish that he is an aggrieved person cannot be allowed to call in question the reasoned order of the learned Single Judge. The writ appeal is devoid of merit and is liable to be dismissed.

14. Accordingly, the Writ Appeal is dismissed. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD-K.SREERAMA MURTHY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI M.GOVIND REDDY, Advocate [OPUC]
2. One CC to SRI K.R.K.V.PRASAD, Advocate [OPUC]
3. One CC to SRI A.RAVI KIRAN, Advocate [OPUC]
4. One CC to SRI GUDI SATISH REDDY, SC FOR SATG [OPUC]
5. One CC to ADDL. SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
6. Two CD Copies

BSR
LS

HIGH COURT

DATED: 04/08/2025



JUDGMENT

WA.No.832 of 2025

DISMISSING THE WRIT APPEAL,
WITHOUT COSTS

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