

**Court No. - 45**

**Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1681 of 2021**

**Petitioner :-** Narendra Nath Ojha

**Respondent :-** State Of U.P. And 8 Others

**Counsel for Petitioner :-** Ashok Kumar Upadhyay, Om Prakash Shukla

**Counsel for Respondent :-** C.S.C., Satyendra Singh

**Hon'ble Munishwar Nath Bhandari, J.**

**Hon'ble Vikram D. Chauhan, J.**

The public interest litigation has been filed after making serious allegations against the respondents, who was running the U.P. Football Sangh.

The learned counsel for the petitioner had made a reference of the detailed report dated 8th July, 2020 containing serious allegations against the then Secretary of the Sangh. It is not only doing corrupt practice but his involvement in sexual exploitation of the players, apart from misappropriation of the government money. It is submitted that despite the report against the then Secretary, Mohammad Shamsuddin, no action was taken by the respondents and, therefore, the present writ petition has been filed.

Learned counsel for the respondents have seriously opposed the petition not only on merits but on the maintainability and submits that the petitioner is nothing but a busy body and filed the petition at the instance of respondent no.8, who lost the election in the year 2020. It is to unsettle the new President that the present writ petition has been filed in reference to the inquiry dated 8th July, 2020 against a person, who is not alive.

Mohammad Shamsuddin died in August, 2020 itself and the petition has been filed in the year 2021 mainly espouse the cause against the then Secretary, Mohammad Shamsuddin, who is no more. No allegation exists against the elected executive presently managing the affairs of the Sangh.

In view of the above, the writ petition is nothing but to unsettle the new executive in the hands of a defeated candidate, respondent no.8.

The prayer is accordingly to dismiss the writ petition with heavy cost.

We have considered the rival submission of the parties and perused the record.

The writ petition has been filed to seek action on a report dated 8th July, 2020 where serious allegations were made against the then Secretary of the Sangh, Mohammad Shamsuddin.

The perusal of the report at Annexure 42 shows inquiry report against Mohammad Shamsuddin and not against the respondent no.8 and 9. It is also a fact that the then Secretary Mohammad Shamsuddin against whom the report exists died in August, 2020 itself. The writ petition has been filed to give effect to the report against a dead person.

Learned counsel for the petitioner could not give reason as to why the writ petition was not filed immediately when he could know about the illegal act of the then Secretary, Mohammad Shamsuddin before he died. No explanation to it could be given. The learned counsel for the petitioner was further asked as to what allegations exist against respondent no.8, to implead him as party respondent. He fairly admitted that no allegation exists against him. Why he has made as a party could not be answered by the petitioner despite the specific allegation against the petitioner for filing this writ petition at the instance of respondent no.8, who is a defeated candidate in the election recently held.

A writ petition could not have been filed to give effect to the inquiry report against a dead person. Thus, it seems nothing but a motivated petition and thereby only the petitioner could not give credentials in the opening para of the writ petition to the extent, required under the Rules for maintaining a Public Interest Litigation.

For all the reasons given above and finding it to be a motivated petition, we dismiss it with cost of Rs.20,000/- to be deposited with the High Court Legal Services Committee, Allahabad within a period of one month. The Registrar (J) (Listing) would see the compliance and if not made, to list disposed of petition in the Court for necessary order.

**Order Date :- 10.11.2021**

Bhaskar

**(Vikram D. Chauhan, J.)      (Munishwar Nath Bhandari, J.)**