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WA-1990-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 31st OF JULY, 2025

WRIT APPEAL No. 1990 of 2025

JABALPUR DIVISIONAL CRICKET ASSOCIATION

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

*Shri Shashank Shekhar Dugwekar, Senior Advocate with Shri
Samresh Katore - Advocate for appellant.*

Dr.S.S.Chouhan - Government Advocate for respondents/State.

*Shri Brian D' Silva, Senior Advocate (through VC) with Shri Sarabvir
Singh Oberoi - Advocate for respondent no.5.*

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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

1. Appellant impugns order dated 20.6.2025, whereby the writ petition filed by the appellant impugning an order dated 08.01.2025 has been disposed off, however besides setting aside the order dated 08.01.2025, the order dated 31.01.2014 has also been directed to be set aside.
2. Appellant is the cricket association for the Jabalpur division. A notice was issued that the appellant association had not complied with



the rules and regulations or filed necessary mandatory documents with the office of Assistant Registrar of Societies. An order dated 15.05.2013 was passed, declaring the appellant association as defunct and registration of appellant society was cancelled. Said order became subject matter of an appeal filed by the appellant before the Registrar Societies. Said appeal was allowed by an order dated 31.01.2014. The order dated 31.01.2014 mandated the appellant to furnish the requisite information and file the documents. As per the appellant, the order dated 31.01.2014 was duly complied with and documents were submitted on 25.02.2014. The communication dated 25.02.2014 also requested the Registrar to inform the appellant, in case, any further compliances were required to be done. As per the appellant, no further information was received from the Registrar.

3. Respondent No.5 on the other hand contends that the order dated 31.01.2014 was not complied with in *toto* and accordingly a complaint was filed with the Registrar on 20.06.2023 and respondent no.5 was informed that instead of a complaint, the respondent had to file a Second Appeal before the state government and consequently a second appeal was filed in September, 2023 which was allowed by order dated 08.01.2025 setting aside the order dated 31.01.2014 and restoring the order dated 15.05.2013, declaring the Petitioner Association as defunct.
4. The appellant impugned the order dated 08.01.2025 in the subject writ petition. The learned Writ Court by the impugned order dated 20.06.2025 noticed that the second appeal filed by respondent no.5 was



filed after a delay of 11 years and wondered as to why the appeal against the order dated 31.01.2014 was entertained after eleven years and also noticed that no reason was given as to why order dated 31.01.2014 was set aside. Learned Writ court also observed that the order dated 08.01.2025 was without any reasoning and accordingly set aside the order dated 08.01.2025. However, the Writ Court thereafter held that the appellate authority had indirectly supported an order of the Assistant Registrar by permitting the appellant to produce records with late fees and that the order of the Assistant Registrar was unnecessarily disturbed and set aside. We may note that there was no challenge before the Writ Court to the order dated 31.01.2014 by respondent no.5. On the other hand, the challenge before the Writ Court was to an order dated 08.01.2025 and there was no cause for the Writ Court to go beyond the order dated 08.01.2025 and to assess the validity of order dated 31.01.2014 which had been enforced for nearly eleven years. The Writ Court thereafter by the impugned order dated 20.06.2025 set aside the order dated 08.01.2025 however, while setting aside the said order also set aside the order dated 31.01.2014, which was not under challenge before the Writ Court. If the Writ Court had come to a conclusion that order dated 08.01.2025, which had set aside order dated 31.01.2014, was not sustainable and was liable to be quashed there was no reason for the Writ Court to then quash order dated 31.01.2014 also.

5. We note that the grievance raised by the respondent no.5 before the appellate authority was that order dated 31.01.2014 had not been



complied with by the petitioner in *toto*. The effect of such a submission before the appellate authority was that order dated 31.01.2014 was correct and was liable to be complied with. In case, there is a failure to comply with an order passed by the Registrar, then it was open to respondent no.5 to initiate appropriate proceedings in accordance with law and not to assail the same by way of an appeal after 11 years. The learned Writ Court has also opined that there was no reason to entertain the appeal after a gap of 11 years and consequently, order dated 08.01.2025 was not sustainable.

6. We are in agreement with the Learned Single Judge insofar as the maintainability of an appeal after 11 years is concerned particularly in view of the fact that grievance of respondent no.5 was with regard to non compliance of order dated 31.01.2014. In case, the order dated 31.01.2014 is not complied with consequences will flow and it is open to the parties to seek enforcement of the order or benefit of the consequences that flow in accordance with law by appropriate proceedings.
7. In view of the above the impugned order dated 20.06.2025 insofar as it also sets aside order dated 31.01.2014 is not sustainable, the same is accordingly modified, the setting aside of order dated 31.01.2014 and affirmation of order dated 15.05.2013 are accordingly set aside. The further direction to Madhya Pradesh Cricket Association to take action in accordance with order dated 15.05.2013 is also set aside. Any steps taken by the Madhya Pradesh Cricket Association



pursuant to order dated 20.06.2025 are also quashed.

8. Since respondent no.5 has raised a grievance that petitioner has failed to comply with order dated 31.01.2014, we dispose of this appeal giving liberty to respondent no.5 to initiate appropriate proceedings in accordance with law for alleged non compliance of order dated 31.01.2014.
9. Appeal is accordingly disposed of in the above terms.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

VPA