

(2022) 06 OHC CK 0013

In the Orissa High Court

Case No : Writ Petition (C) No. 14024 Of 2022 (PIL)

Sanjay Kumar Naik

APPELLANT

Vs

State Of Odisha And Others

RESPONDENT

Date of Decision : 07-06-2022

Acts Referred:

Citation : (2022) 06 OHC CK 0013

Hon'ble Judges : S.K. Sahoo, J;M.S Raman, J

Bench : Division Bench

Advocate : S.S. Das, Ashok Parija, Abhijit Pattnaik

Final Decision : Dismissed

Judgement

This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. S.S. Das, learned Senior Advocate appearing for the petitioner and learned Advocate General for the opposite parties so also Mr. Abhijit Pattnaik, learned counsel appearing for the BCCI.

This writ petition, which is in the nature of Public Interest Litigation has been filed by Sanjay Kumar Naik claiming himself to be a human right activist with following prayers:

"The petitioner, therefore, prays that this Hon'ble Court be graciously pleased to admit this Public Interest Litigation and issue a Rule NISI calling upon the opposite parties to show cause:

(i) As to why the opposite parties shall not be directed to restrict and prohibit the opposite parties No.12,13 and 14 to hold any T-20 International Match including the match to be held on 12.06.2022 till the Opposite Parties ensure necessary fire safety arrangements and certificates strictly in compliance with Fire Safety Rules, 2017 with its amendment from time to time;

(ii) As to why the opposite party nos. 12 and 13 shall not be directed to provide necessary structural safety certificate from competent Authority before ensuring any match/event including the event scheduled to be held on 12th June 2022;

(iii) And as to why the Opposite Parties nos. 14 and 15 shall not be directed not to allot and to cancel the presently scheduled match till such security and safety arrangements are made and to allot national and international match only after compliance of security and safety certificates;

(iv) And accordingly, as to why there shall not be a direction not to hold any other activities including letting out of part of the Stadium for Kalyan Mandap and opening of the school and other sports activities till the Association ensure necessary safety and security measures in consonance with law and Rules;

(v) And as to why the Opposite Parties shall not be directed to restrict/prohibit any congregation/ function/activities to be held in the Stadium till the mandatory requirement of safety and security certificate is issued by the Competent Authorities;

And if the opposite parties fail to show cause or show insufficient cause, to make the said rule absolute by issuance of an appropriate writ(s), order(s) and direction(s) as deem fit and proper.

And/or to pass such other order(s)/direction(s) as this Hon'ble Court deem fit and proper under the facts and circumstances of the present case in hand."

It appears that similar matter is subjudiced before the Odisha Human Rights Commission, Bhubaneswar, Odisha at the instance of the petitioner in OHRC Case No.938 of 2022 and the next date is fixed to 17.06.2022 and it has been observed in the order dated 26.05.2022 of the OHRC that the DCP, Cuttack UPD as well as OCA, Cuttack shall ensure that all arrangements are in place.

It is stated that apart from other sports activities, Barabati Stadium, Cuttack is holding international cricket matches since January 1982 regularly. Apart from One-day international cricket matches, T-20 international cricket matches, test matches and number of IPL Matches have been conducted successfully.

The second T-20 international cricket match between India and South Africa is scheduled to be held on 12.06.2022 at Barabati Stadium and five days are only left behind for the match. It is stated that the stadium has a capacity to accommodate 45,000 (forty five thousand) spectators and full capacity crowd will be allowed to witness the match.

The grounds for cancellation of the upcoming match have been taken that fire safety measures in the stadium are inadequate and structural safety measures have not been taken.

The learned Advocate General emphatically contended that the Odisha Cricket Association (OCA) has already made elaborate and comprehensive arrangements for smooth and successful conduct of the event in collaboration with the State

Government, Police department and other stake holders and several measures have been taken towards fire safety with the help of Fire Services Department and safety of spectators is the utmost concern of the State Government and there will be no difficulty for the spectators in any manner during the match and since it is an international event, no order should be passed which will have a far-reaching consequence in organizing such event in Barabati Stadium in future.

Considering the submissions made by the learned counsel for the respective parties and after carefully going through the averments made in the writ petition and documents annexed thereto and since similar matter at the instance of the petitioner is subjudiced before the OHRC, Bhubaneswar and DCP, Cuttack UPD as well as OCA, Cuttack have been directed by OHRC to ensure that all the arrangements are in place and there has been inordinate delay on the part of the petitioner in approaching this Court and five days are only left for the event to happen and in view of the categorical submission of the learned Advocate General that for the safety of the spectators, all suitable measures have already been taken, we are not inclined to grant any relief to the petitioner.

Accordingly, the writ petition, being devoid of merits, stands dismissed.

.....