



2025 INSC 906

NON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2025
(Arising out of SLP (Civil) No(s). 12903 of 2021)

SANTHOSH KARUNAKARAN ..APPELLANT(S)

VERSUS

**OMBUDSMAN CUM ETHICS
OFFICER, KERALA CRICKET
ASSOCIATION AND ANOTHER ..RESPONDENT(S)**

J U D G M E N T

Mehta, J.

1. Heard.
2. Leave granted.
3. This appeal by special leave takes exception to the judgment dated 21st June, 2021, passed by the Division Bench of the High Court of Kerala at Ernakulam¹ dismissing the Writ Appeal No. 413 of 2021 filed by the appellant and affirming the

¹ Hereinafter, referred to as “High Court”.

judgment dated 27th January, 2021, passed by the learned Single Judge in Writ Petition (Civil) No. 28478 of 2020 filed by the appellant herein.

4. The aforesaid Writ Petition (Civil) No. 28478 of 2020 was filed by the appellant seeking to assail the order dated 3rd October, 2020, passed by the Ombudsman-cum-Ethics Officer² in Original Application No. 10 of 2019 rejecting the original application filed by the appellant on the ground that the appellant failed to implead the District Cricket Associations³ despite clear directions issued *vide* orders dated 13th February, 2020; 25th February, 2020; and 10th March, 2020.

5. The appellant, a former Ranji Trophy player representing the State of Kerala and member of Thiruvananthapuram District Cricket Association⁴, had approached the Ombudsman by way of Original Application No. 10 of 2019 seeking following reliefs: -

“a. Frame a model byelaw to be implemented in all the Districts of the State in terms of the model Byelaw recommended by the Lodha Committee and adopted by the Board of Control for Cricket in India.

² Hereinafter, referred to as “Ombudsman”.

³ Hereinafter, referred to as “DCAs”.

⁴ For Short “TDCA”.

- b. Direct the Kerala Cricket Association to implement the Byelaw as framed by this Hon'ble Forum in all the District units under the Kerala Cricket Association.
- c. Direct the Kerala Cricket Association to conduct elections by ensuring representation from each district under the Kerala Cricket Association strictly in conformity with the byelaws framed by this Hon'ble Forum.”

6. However, as stated above, the writ petition filed by the appellant to challenge the order of the Ombudsman came to be rejected by the High Court and the Division Bench affirmed the order passed by the Single Judge.

7. Pursuant to the rejection of the writ appeal, the Kerala Cricket Association⁵ issued a show cause notice to the appellant under Section 15(4)(s) of Bye-laws of the KCA. The appellant replied to the show cause notice on 24th July, 2021. Thereafter, the KCA held a Special General Meeting on 8th August, 2021, to discuss the action to be taken against the appellant and *vide* e-mail dated 22nd August, 2021, the KCA communicated its decision to blacklist the appellant from all activities and imposed a life ban on him, thereby disassociating him from the KCA and its affiliated units and forfeiting all his rights and

⁵ For short, “KCA”.

privileges as a registered member of the TDCA. The aforesaid order passed by the KCA has been brought on record as an additional document.

8. The primary grievance of the appellant before the learned Single Judge as well as in the writ appeal was that the proceedings before the Ombudsman were absolutely non-transparent and he was never made aware of the orders dated 13th February, 2020; 25th February, 2020; and 10th March, 2020, passed by the Ombudsman, directing the impleadment of DCAs in the original application filed by him. In order to fortify this contention, the appellant has placed reliance on his e-mails dated 19th October, 2020, and 28th October, 2020, addressed to the Ombudsman, requesting for copy of all records of the proceedings in the original application. The Ombudsman, *vide* e-mail dated 5th November, 2020, denied the said request on the ground that the Ombudsman of the KCA is a *persona designata* and not a court of record and since the original application had been disposed of, the proceedings could not be provided.

9. It is in this backdrop that the appellant has approached this Court, feeling aggrieved by the orders passed by the Ombudsman and the High

Court and the subsequent orders of the KCA blacklisting him from participating further in the proceedings related to Cricket in the State of Kerala.

10. Having heard and considered the submissions advanced by learned counsel for the appellant and learned counsel representing the respondents and after going through the impugned order dated 21st June, 2021, and the order of blacklisting dated 22nd August, 2021, we are of the opinion that the High Court has taken a very harsh view in rejecting the writ petition and the writ appeal preferred by the appellant on the purported ground of concealment of material facts concluding that the appellant had approached the writ court with unclean hands.

11. The appellant had made out a plausible case to suggest that the proceedings before the Ombudsman were non-transparent and that the copies of the relevant records/orders were not provided to the appellant. The documents and communications placed on record also suggest that many a times, it became difficult for the appellant and his counsel to address the Ombudsman during the proceedings of the original application because the virtual hearing gateway was frequently interrupted without any

justification. The earlier order dated 2nd August, 2019, passed by the Ombudsman observing that the impleadment of the DCAs may entail unnecessary delay, definitely gave rise to a reasonable belief to the appellant that he was not under any obligation to implead the DCAs in the original application filed before the Ombudsman. Otherwise also, the only prayer of the appellant in the original application was to frame uniform Bye-laws in sync with the recommendations of the Justice R.M. Lodha Committee.

12. Thus, the application filed by the appellant was not in form of any adversarial litigation requiring the mandatory opportunity of hearing to the DCAs.

13. As an upshot of the above discussion, the impugned order dated 3rd October, 2020 passed by the Ombudsman and judgments dated 27th January, 2021 and 21st June, 2021 passed by the High Court are hereby quashed and set aside. Consequently, the decision of the KCA in blacklisting the appellant is also struck down and set aside. The proceedings of the Original Application No. 10 of 2019 filed by the appellant before the Ombudsman shall stand revived. The concerned parties shall be provided an

opportunity of hearing, and the original application shall be decided afresh by the Ombudsman by passing a reasoned order within a period of three months from the date of submission of certified copy of this judgment.

14. The appeal is allowed accordingly.

15. Pending application(s), if any, shall stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
JULY 29, 2025.