

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 803 of 2023

Manipur Cycling Association

... Petitioner

Vs.

Cycling Federation of India & ors.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

09-02-2024

Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. K. Mercy, learned counsel appearing for the petitioner submitted that by influx of time, no cause survives for adjudication in the present writ petition and accordingly, the learned senior counsel seeks leave to withdraw the present writ petition with liberty to file a fresh one, if need so arises.

Mr. P. Tamphamani, learned counsel appearing for the respondents fairly submitted that he has no objection.

In view of the submission made by the counsel appearing for the parties, the present writ petition is hereby dismissed as being withdrawn with liberty as sought for.

JUDGE

Devananda

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(WP(C)) No. 375 of 2023

(Ref:- WP(C) No. 803 of 2023)

Manipur Cycling Association

... Applicant

Vs.

Cycling Federation of India & ors.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

09-02-2024

In view of the order passed today in the connected main writ petition, the present application is hereby closed.

JUDGE

Devananda

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 384 of 2023

Manipur Cycling Association

... Petitioner

Vs.

Cycling Federation of India & ors.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

09-02-2024

[1] Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. K. Mercy, learned counsel appearing for the petitioner and Mr. P. Tamphamani, learned counsel appearing for the respondents.

[2] The present writ petition had been filed assailing the letter dated 26-03-2023 of the Secretary General, Cycling Federation of India (CFI), wherein it has been stated that the selection conducted by the petitioner i.e., the Manipur Cycling Association (MCA) cannot be taken into account being in violation of the Constitution of the CFI and National Sports Development Code 2011 for the reason that the petitioner association is not affiliated to the CFI.

[3] Mr. Kh. Tarunkumar, learned senior counsel submitted that the petitioner association is affiliated to the CFI and this factum is clearly reflected in the Annual Report of 2013-2014 of the CFI wherein 22 (twenty two) States Association, including the Manipur Cycling Association, are being shown as affiliated to the CFI. The learned senior counsel further submitted that this factum has not been denied or controverted by the respondents. The learned senior counsel further submitted that even though the respondents have stated in their counter affidavit that the petitioner association had been de-affiliated, they have not been able to produce any document or order showing such de-affiliation and as such, it can be safely construed that the MCA is still affiliated to the CFI. The learned senior counsel submitted that in view of the above undisputed factual position, the stand taken by the respondents that the petitioner

association is not affiliated to the CFI is not acceptable and contrary to the available record. Accordingly, the impugned letter dated 26-03-2023 deserve to be quashed and set aside.

[4] Mr. P. Tamphamani, learned counsel appearing for the respondents submitted that the CFI come to know that the dispute with regard to the affairs of the MCA was going on between the members and office bearers of the Association, that there is no proper record or proceeding of the Annual General Body Meeting or election of office bearers as well as no updates of the constitution of the MCA were communicated to the CFI, which are mandatorily required under the relevant provision of the constitution of the CFI.

It has further been submitted by the learned counsel that as per Article 7(4) of the Constitution of the CFI, the States Association were required to inform about every amendment in the data referred to under para 2 of the Article 7 as soon as possible but within one month of the occurrence of the events and that the MCA failed to comply with the said provisions. It has also been stated that the CFI did not know the official address or correspondence, identity of the person empowered to sign correspondence, composition of the Executive Committee, etc., and as such, the CFI was under the impression that the MCA does not exist or not functioning. Accordingly, the CFI struck off the name of the MCA from the affiliated bodies/ states of the CFI and as such, the petitioner association becomes de-affiliated/ de-recognized body to the CFI.

The learned counsel for the respondents also submitted that the constitution of the CFI was enacted/ enforced w.e.f. 01-01-2003 and that under para 1 of the Transitorail Provisions of the said constitution, it is, inter alia, provided that there are 21 (twenty one) States Association and they automatically become members of the CFI provided they apply for affiliation to the Secretary General on the format circulated by them and that if any of the affiliated states unit does not apply in writing, they shall cease to be affiliated members of the CFI. According to the learned

counsel, the petitioner association do not submit any written request in the prescribed format under the aforesaid provision of the Constitution of the CFI and as such, by operation of the said provisions, the MCA automatically ceased to be an affiliated member of the CFI.

The learned counsel lastly submitted that since the CFI has de-affiliated / re-recognized the petitioner association, there is no infirmity in issuing the impugned letter and the learned counsel prays for dismissing the present writ petition as being devoid of merit.

[5] I have heard at length the submission advanced by the counsel appearing for the parties and also carefully perused all the materials available on record. In the present case, the respondents have not denied the authenticity or publication of the Annual Report, 2013-2014 by the CFI wherein it is clearly shown that the MCA is affiliated to the CFI. Even though the respondents have taken the stand that the CFI had de-affiliated / de-recognized the MCA because of the many lapses committed by the MCA in running or operating their association, the respondents have not been able to produce any document or order showing such de-affiliation or de-recognition and as such, this court is of the considered view that in the absence of any such document or order effecting the de-affiliation or de-recognition, this court cannot accept such statements made by the respondents specially when the petitioner has been able to satisfy this court that the MCA is still affiliated to the CFI.

[6] In connection with the contention made on behalf of the respondents that the petitioner association automatically ceased to be an affiliated member of the CFI because of the provisions under para 1 of the Transitorail Provisions of the Constitution of the CFI, it is to be pointed out that the said constitution was enacted or enforced w.e.f. 01-01-2003 and as the MCA is still shown as an affiliated unit of the CFI in its Annual Report of 2013-2014, it can be reasonably construed that the MCA complied with the aforesaid provisions of the constitution and there was no automatic de-affiliation as contended on behalf of the respondents.

For the above reasons, this court cannot agree with the stand taken by the respondents that the petitioner association becomes automatically de-affiliated by operation of the provision under para 1 of the Transitorail Provisions of the Constitution of CFI.

[7] Taking into consideration the facts and circumstances of the present case and for the findings and discussions given hereinabove, this court is of the considered view that the petitioner had been able to make out a case for interfering with the impugned letter. Accordingly, the impugned letter dated 26-03-2023 is hereby quashed and set aside. To the extent indicated above, the present writ petition is allowed.

Parties are to bear their own costs.

JUDGE

Devananda