

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 422 OF 2015

1. Shri Pratap Gawas, President
Vividha Sports Club, Navelim,
Sankhali, Goa, Pin 403505.
2. Amaravati Sports Club
registered under Registration
No. SCS-6/Goa/77-88/89,
through its President, Shri
Sandeep Sawant, Amona,
Goa.
3. Shri Bala Gaonkar, President,
Shirgao Gymkhana, Bhatlem,
Shirgao, P.O. Assonora-Goa.
4. Shirigao Sports Club
registered under Registration
No. 7/Goa/82, through its
President, Shri Vijay Gaonkar.
Shirigao-Goa.
5. Union Sports Club registered
under Societies Registration
No.638/Goa/2011 through its
President Shri Anil Pokle,
Valpoi Sattari, Goa.
6. Vaibhav Sports Club
Registered under Societies
Registration No.33/Goa/91
through its President Shri
Shantaram Mayekar, Karapur-
Tisk, Sankhali-Goa.
7. Shri Sayed Nizam, President
Iqbal XI, H. no.M/57, Housing
Board Colony, Gogal Margao-
Goa.
8. Shri Dr. Ravindra Parulekar,
President, Youth Club of
Vasco, Naina Patrong, Vasco-
da-Gama, Goa.
9. Shri Dashrat Manjrekar,
President, Bogda Youth Club,
H. No. 89-1, Bogda Near
Gajanan Temple, Vasco-da-
Gama, Goa.

10. Shri Kunal Shinde, President, New Vaddem Sports Club, H. no. 452, Near Maruit Temple, New Vaddem, Vasco-da-Gama, Goa.
11. Shri Zamir Carol, President, Al Fatah Cricket Club, Vasco-da-Gama, Goa.
12. Shri Mahesh Bekhi President, Hill Top Cricket Club, Ground Floor, Chase Chambers, Opp. Hotel Lapaz, Gardens, Vasco-Goa.
13. Noorani Sports and Cultural Club Registered under Registration No.16/Goa/88 Through its President Shri Adam K. Sayed New Vaddem, Vasco-da-Gama, Goa.
14. Jetty Cricket Club Registered under Societies registration No.8/Goa/86 Through its President Shri Sunil Prabhu Jetty, Mormugao, Harbour, Goa.
15. Shri Rajendra Nerulkar, President, Paramount Sports Club, Mangor Hill, Vasco-da-Gama, Goa.
16. Shri Namdev R. Phadte, President, Vasco City XI, Salgaonkar House, Off. Dr. F. L. Gomes road, Vasco-da-Gama, Goa.
17. Union Sports Club Registered under Societies Registration Act, 1860, Under Registration No.58/Goa/2009, Through its President Shri Bhalchandra S. Divekar, Bazarwada, Marcela, Goa.
18. Shri Jayendra S. Naik, President, Young Stars of Moula, Sports Club, Moula Batim, Goa.
19. Shri Sadanand G. Thakur, Secretary, Shuttlers Club, C/o

- OASIS, Petrol Pump, Near
Don Bosco High School, St-
Inez, Panaji Goa.
20. Panjim Gymkhana, A Society
registered under Registration
No.284 dt. 26.6.1970
Registered
No.PRO/718/10A/Vol-A-III/P8
dt. 6.3.1974, through its
President Shri Manoj Caculo,
Panaji-Goa.
 21. Betim Sports and Cultural Club
Regd. No. 157/Goa/96 under
the Societies Reg. Act, 1860
through its President Nitendra
G. Bhonsle, Betim, Goa.
 22. Navhind Cricket Club
Registered under Societies
Registration No.8/Goa/82
dt.21/1/82, through its
President Sandeep R. Palekar,
Palem, Siridao, Tiswadi, Goa.
 23. Shri Brahmanand Naik,
President, Badem Sports Club
Salvador do Mundo, Badem,
Bardez Goa.
 24. Shri Subhash Naik, President,
Rudreshwar Yuvak Sangh
Panaji Goa.
 25. Youth Sports Club of
Khandola, Registered
No.SCS-6/Goa/73-74/432
Through its President Shri
Arvind Gaonkar, Khandola
Goa.
 26. Shri Shrikrishna Tari,
President, Mahalaxmi Cricket
Club,Santo Estevam, Ilhas
Goa.
 27. Mayem Gymkhana,
Registered under No.
292/Goa/ 2003, Through its
President Shri Prakash Phadte
Mayem, Bicholim Goa.
 28. Diwar Sports Club Registered
under No.De/CEF-18/67/258
Through its President Shri

Kishore Narvekar.

29. Shri Naresh Kambli, President
Panvel Sports Club, Ribandar,
Patto, Goa.
30. Shri Chetan Desai, President,
Karimabad Cricket Club C/o
Karimabad Housing Society,
Opp. Panajim Gymkhana
Campal, Panaji Goa.
31. Shri Mahesh Desai President
Sunny Sports Club,
Caranzalem, Miramar, Panaji
Goa.
32. Shri Subhash Phadte,
President, Madel Yuvak Sangh
Madel, Chodan, Tiswadi, Goa.
33. Shri Suraj Lotlikar, President,
Stamina Cricket Club, House
No. 254, Gulab Morambi 'o"
Grade, Mercedes, Goa.
34. Shri Xavier Marquis, President
Goa Sports Academy B-G/2,
Campal Trade Center, Panaji
Goa.
35. Shri Anant Kamat, Secretary,
Dempo Sports Club, Dempo
House, Campal Panaji goa.
36. Shri Raju Chodankar,
President Rambhuwan Sports
Club, Ribandar Goa.
37. Shri Tulsidas Shetye,
President, Dost Cricket Club,
Khorlim, Mapusa Goa.
38. Shri Vikas Parsekar, President
Sodiem Sports Club Sodiem,
Siolim, Bardez Goa.
39. Leo Sports Club, Registered
under No.25/Goa/82 Through
its President Shri F. S. Da
Costa Panaji Goa.
40. Shri Aditya L. Ghaisas
President Madkai Yuwak
Sangha Madakai Post,
Mardol, Goa.
41. Shri Mohan Chodankar,

President Chopde Sports Club, Chopde, Pedne, Goa.

42. Bardez Gymkhana Registered under Societies Reg. Act, 1860 No. 19-Goa-82, Through its President, Shri Vinod Phadke, Khorlim, Mapusa, Goa.
43. Shri Ramakant Dhuri President Royal Sports Club, Khorlim, Mapusa, Goa.
44. Shri Vipul Phadke, President National Criclet Club Mapusa Goa
45. Shri Govind Porob, President International Sports Club Mapusa, Goa.
46. Shri Vipul Phadke, President Khorlim XI, Khorlim Mapusa Goa.
47. Shri Milind Vernekar, President, Global Sports Club Mapusa, Goa.
48. Shri Swapnil Mhapsekar, Secretary, Cricket Club of Altinho Shop No. 18, Mapusa, Goa.
49. Shri Yogesh Kelkar, President Challenger Sports Club Mac Plots Housing Board, Mapusa Goa.
50. Shri Tulshidas Shetye, President Pirazona Cricket Club Moira Bardez, Goa.
51. Shri Mukesh Naik President Polem Cricket Club, Polem, Loliem, Canacona, Goa.
52. Shri Peter Mascarenhas

President Nayal Bori Sports
and Clutural Club Bori,
Ponda, Goa.

53. Shri Akbar Mulla President
Stamina Sports Club Ponda,
Goa.
54. Shri Akbar Mulla President
Porvorim Cricket Academy
Shiroda, Goa.
55. Shri Rajesh Naik, President
Margao Cricket Club, Margao,
Goa.
56. Shri Chandrakumar Madkaikar,
Secretary, Sparkling Stars
Association J B Apts. Near
Pandava Chapel, Aquem,
Margao, Goa.
57. Dr. Satish Kudchadkar,
President Curchorem Youth
Cricket Club, Curchorem, Goa.
58. Curchorem Gymkhana
Registered under Societies
Registration Act, 1860 1st
floor, Gofur Building,
Curchorem, Goa, Through
its President Shri Manojhar
Naik.

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Petitioners.

V e r s u s

- 1 State of Goa, through its Chief
Secretary Having office at
Secretariat, Porvorim, Goa.
- 2 District Registrar and the
Inspector General of Societies,
Office of the Inspector General
Societies, Government of Goa,
Panaji, Goa.
- 3 Goa Cricket Association,
Through its Secretary, Having
its Office at Goa Cricket
Academy, Porvorim, Goa.

- 4 Shri Shekhar Salkar, Acting President, Goa Cricket Association, Having Office at Goa Cricket Academy, Porvorim, Goa.
- 5 Election Committee, a Committee appointed by the Goa Cricket Association, through its Chairman, Mr. N. D. Agarwal, having Office at Goa Cricket Academy, Alto, Porvorim, Goa.
- 6 The Director, Sports Authority of Goa, Myles High, Patto, Panaji, Goa. Respondents.

Shri S. S. Kantak, Senior Advocate with Shri Y. V. Nadkarni and Shri A. Kamat, Advocates for the Petitioners.

Ms. P. Bhandari, Addl. Government Advocate for the Respondent nos. 1 and 2.

Ms. Shilpa Khorjuvenkar, Advocate for the Respondent no. 3.

Mr. Kaif Noorani, Advocate for the Respondent no. 5.

Coram :- **F. M. REIS,**
 K. L. WADANE, JJ.

Date : **7th July, 2015**

ORAL JUDGMENT (Per F. M. Reis, J.)

Heard Shri S. S. Kantak Senior Advocate with Shri Y. V. Nadkarni, learned Counsel appearing for the Petitioners, Ms. P. Bhandari, learned Additional Government Advocate appearing for the Respondent nos. 1 and 2, Ms. S. Khorjuvekar, learned Counsel appearing for the Respondent no.3 and Mr. Kaif Noorani, learned Counsel appearing for the Respondent no. 5

3. The Petition came to be admitted by an Order dated 25.06.2015 whilst issuing interim directions with regard to the Annual General Body Meeting of the Goa Cricket Association which was scheduled to be held on 28.06.2015.

3. The above Petition, inter alia, prays for the following relief :

(A) A writ of mandamus or a writ in the nature of mandamus directing the Respondent nos. 1, 2 and 6 to take over the election process from the Respondent nos. 3 to 5 and conduct the elections to be held on 28.06.2015 by appointing a supervisor to preside over the elections to ensure free and fair elections;

(B) A direction from this Hon'ble Court commanding the Respondent nos. 3 to 5 to permit the Petitioners to exercise their right to vote at the elections to be held on 28.06.2015 through their nominees as given by their letters dated 13.06.2015 or alternatively through the President or Secretary of the respective Petitioner clubs;

4. At the time of the hearing of the above Petition on admission, we have taken note of the peculiar facts of the case and issued directions to conduct the elections of the Respondent no. 3 which were scheduled on 28.06.2015 by appointing an Election Committee consisting of Justice A. P. Lavande, Retired Judge of this Court, as President and Shri Nitin Sardesai, Senior Advocate and Shri Rajnikanth Lavandis, as a Member. The Respondent nos. 3 and 4 preferred a Special Leave Petition against the Order passed by this Court dated 25.06.2015 which came to be disposed of by an Order dated 26.06.2015. The Apex Court, inter alia, did not interfere in the interim Order directing that the election process be conducted by the said Election Committee. The Order of the Apex Court also

records, that both the Counsels agreed that the election results would not be declared until the disposal of the above Writ Petition. Accordingly, the election process proceeded on schedule and the Election Committee submitted a report dated 29.06.2015, inter alia, enclosing the Minutes of the election process including the Minutes of acceptance of the nomination forms and the withdrawals of such nomination forms. The said report, Minutes and annexures are marked 'X' collectively for identification. When the matter was taken up for hearing on 06.07.2015, an affidavit came to be filed by the Respondent nos. 3 and 4, inter alia, stating at Paras 3, 4 and 5 thus :

“3. I say that the said Elections have been held on 28 June 2015 when the directions of the High Court have been duly complied with.

4. I say that in view of the Elections having already been held, it was unanimously decided by the managing Committee members (not being the Managing committee members supporting the Petitioners) not to oppose or challenge the Election process already conducted and completed and the new Managing Committee be constituted as per the outcome of the Elections.

5. In view of the aforesaid, it is submitted that Respondent no. 3 does not wish to contest or oppose the reliefs sought by the Petitioners and this Hon'ble

Court be pleased to pass such appropriate orders as it may deem fit.”

5. On going through the said averments in the said affidavit, we find that the Respondent nos. 3 and 4 have accepted the appointment of the Election Committee appointed by this Court by the Order dated 25.06.2015 and the election process conducted by such Election Committee.

6. Shri S. S. Kantak, learned Senior Counsel appearing for the Petitioners, submits that in such circumstances, the above Petition can be disposed of in terms of the interim Order passed by this Court dated 25.06.2015 and direct the Election Committee to declare the results of such election process.

7. Learned Counsel appearing for the respective Respondents have no objection in case the Petition stands disposed of in terms of the interim Order and direct the Election Committee to consequently declare the outcome of the election process.

8. For the reasons recorded in the interim Order dated 25.06.2015 and in view of the above, we pass the following :

ORDER

(I) The above Petition stands disposed of in terms of the said Order dated 25.06.2015.

(II) The Election Committee shall accordingly declare the results of the election process preferably on 09.07.2015 at 5.00 p.m. at the Office of the Respondent no. 3.

(III) Rule is made absolute in the above terms with no Orders as to costs.

(IV) Registry may forward a copy of the Minutes marked 'X' collly to the President of Election Committee, to act accordingly.

K. L. WADANE, J.

F. M. REIS, J.

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