

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 755 OF 2014

The Hockey Maharashtra and Others ..Petitioners

Vs.

The State of Maharashtra and Others ..Respondents

Mr. J. Shekhar a/w Mr Akshay Kapadia i/b J. Shekhar and Co, for the Petitioners.

Mr. A. I. Patel, AGP, for Respondent Nos.1 and 9.

Dr. Birendra Saraf a/w Ms Monisha Bhangale i/b Mr Prabhakar Jadhav, for Respondent Nos.2,3 and 5.

Mr Chandan Shekhawat i/b Mr. Devendranath S. Joshi, for Respondent No.8.

Mr R. B. Raghuvarshi i/b Rutuja Ambekar, for Respondent No.12.

**CORAM :- S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.**

DATE :- NOVEMBER 21, 2015.

P. C.:

On the earlier occasion, we recorded that there is an affidavit placed before this Court. That affidavit states that meeting was convened as assured to this Court and in that meeting the

issues and disputes were resolved amicably.

2 However, the Petitioner in this petition Mrs Rekha Bhide state that the Hockey Maharashtra does not agree with the statement made on this affidavit. There are still some issues and which are pending for resolution. The disputes have not been settled amicably.

3 This Writ Petition under Article 226 of the Constitution of India seeks a writ of mandamus or any other writ, order or direction declaring that the decision of disaffiliation/cancellation of affiliation by Respondent No.2 in its meeting dated 28th September, 2013 and 11th September, 2013 which is further confirmed on 14th December, 2013 is illegal and not binding on the Petitioner.

4 After having perused the Petition, all Annexures thereto and the affidavits placed on record, we are of the view that in writ jurisdiction it is not possible to grant any relief. The relief claimed is based on the disputed factual position. Whether the parent body is empowered to direct that an affiliation granted to any State

Association of Hockey should be continued or cancelled and if it is so empowered, the cancellation is on justifiable grounds, is a matter which is not possible to be resolved and decided leave alone adjudicated by us. The whole attempt of this Court was to impress upon all concerned that the game of Hockey which was once a pride of India, is restored its dignity and status. That sport is taken up as a career by youngsters and budding sportsmen. It is only the office-bearers behaviour and conduct which serves as a role model. That will inspire the youth to take up this sport. If they see that there is continuous infighting and elders are not willing to give up their position and post of power, then, they will be discouraged. The entire game will suffer but none is bothered about it. Repeated litigation in Civil and Criminal Court and right up to this Court, therefore can never be a remedy in law. If the Petitioner is not satisfied and wants to challenge not only the decision impugned in the Petition but the further events that have taken place and recorded in the minutes of the meetings pursuant to the order of this Court, then, the remedy is not the Writ Petition under Article 226 of the Constitution of India. More so, when the contents of the

documents are disputed, when it is urged that the other group or faction is not the elected body and their acts and deeds do not bind the others. The Petitioner would have to establish and prove that it is their association which is a legitimate and lawfully constituted body and deserves recognition and affiliation from the parent body. The other group does not deserve any such status and recognition. All this, therefore, has to be proved by leading evidence. We are, not therefore, in a position to grant any relief in such Petition and in the light of these disputed facts. The Petition is dismissed. No costs.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)