

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 993 OF 2014

The Hockey Maharashtra	}	Petitioner
versus		
Maharashtra Olympic	}	
Association and Ors.	}	Respondents

Commander Kehar Singh (Retired) -
General Secretary of the Petitioner
present.

Dr. Birendra Saraf with Ms. Monisha
Bhangale i/b. Mr. Subhash Jadhav for
Respondent No. 2.

Ms.H.Y.Shah - AGP for Respondent No. 3.

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

DATED :- DECEMBER 5, 2015

P.C. :-

This Writ Petition was filed, earlier by Mr. Mihir Desai and when he was an Advocate on record and could have filed his appearance, on 24th January, 2014. Thereafter, the Petition has been placed on several occasions and on account of some difficulties of Mr. Desai, the Court recorded that it would be open for the Petitioner to engage any other Advocate. On the earlier occasion, when this Petition was placed on Board, namely, on 21st November, 2015, we had heard Mr. Chetan Mali and other

Advocates. We have, from the record, throughout, found that the disputes are internal. The Petitioner and who states that he represents the Hockey Maharashtra and others is stated by other group or faction not to be authorized as such nor duly elected.

2) Now, when the Petition was placed before us on 2nd December, 2015, the Petitioner Hockey Maharashtra is not stated to be representative body, but there is a recognized regular body styled as Hockey Maharashtra. The General Secretary of that recognised body has filed an affidavit and which is confirming the oral instructions given by the General Secretary to Mr. Saraf appearing on behalf of Respondent No. 2. We have taken this affidavit on record. At that stage, the Petitioner (the Hockey Maharashtra) seeks to discharge its Advocate Mr. Chetan Mali and the gentleman who has affirmed the memo of the Writ Petition Commander Kehar Singh (retired) states that he has discharged the Advocate and seeks to engage another Advocate. That Advocate is not available today, therefore, final orders should not be passed today, but either on 10th December, 2015 or 14th December, 2015.

3) We do not countenance such state of affairs. Whenever the litigants find that the Court has posed some inconvenient queries to their Advocates and Advocates are

unable to answer them satisfactorily in the light of the factual position, then, such litigants present in Court have a tendency to interrupt the Court proceedings. Firstly they try to stop their Advocates and start arguing themselves. Secondly, if they find that the factual position is not suitable to them and the allegations and averments in the Petition are controverted successfully by their opponents, then, they seek to discharge their Advocates midway and during the Court proceedings. This tendency has to be discouraged, for, the sanctity, decorum and dignity of the Court proceedings and the institution of judiciary as a whole have to be protected and preserved. The litigants cannot dictate terms to the Court and to go on with the matters, seek adjournments as per their choice and convenience. In these circumstances, we decline the request made today.

4) In view of the affidavit placed on record, we find that the Petitioner (the Hockey Maharashtra) is claiming to be the recognized body. It claims that it is in the past being recognized by Respondent No. 2. It also claims to be affiliated and recognized by Respondent No. 1. However, the reply affidavits, which have been placed on record including the additional affidavit of the Petitioner, would indicate that though the Petitioner claims that it is a registered association under the Societies Registration Act,

1860 and as per the regulations mentioned in the Memorandum of Association has called a extraordinary general body meeting, at which 32 District Associations from Maharashtra were invited through their representatives, 16 of them were present. That was less than the quorum required. Thereafter, in terms of the regulations of Memorandum of Association, the extraordinary general body meeting was held and Commander Kehar Singh is supposed to have been authorized thereat to represent the Hockey Maharashtra in this Court. The reply filed by Respondent No. 2 on the earlier occasion denies all the statements made in this affidavit. It was stated that Commander Kehar Singh does not have authority to represent the Petitioner, as there is another Writ Petition being Writ Petition No. 755 of 2014. That is filed on behalf of the Petitioner organization and represented by one Ms.Rekha Bhide. We have already passed orders in Writ Petition No. 755 of 2014 dismissing it. We have also indicated in our order passed in that Writ Petition that it is unfortunate that the Petitioner styles itself as the Hockey Maharashtra, whereas there is another organization Hockey Maharashtra operational and functional.

5) The additional affidavit of Commander Kehar Singh (retired), which is filed on 14th August, 2015 once again

reiterates that he has the support of all the District representatives and Commander Kehar Singh (retired) and the organization represented by him is the only valid and legal organization, whereas the other group or faction styling itself as Hockey Maharashtra cannot be accepted as recognized by the parent body.

6) It is precisely this dispute in Writ Petition 755 of 2014 between some parties which was taken note of by us in order dated 21st November, 2015 dismissing that Writ Petition.

7) In the light of the material on record, we find that the disputes between factions or groups within one association or organization cannot be subject matter of a Writ Petition under Article 226 of the Constitution of India. The Writ Petition as initially filed was directed against Respondent No. 2 and claims that a mandamus be issued to Respondent Nos. 1 and 2 to withdraw the letter dated 11th December, 2013 at Exhibit B-1 and e-mail dated 14th December, 2013. By these communications, the Maharashtra Olympic Association informed Respondent No. 2's Secretary General that the names indicated in the communication represent the State of Maharashtra and organised or grouped as Hockey Maharashtra. These two communications contain certain names and with which

Commander Kehar Singh (retired) does not agree. Thus, instead of unitedly seeking some reliefs against the State or its agency, now what is projected before us is the inter-se dispute, as to who can be said to be the Hockey Maharashtra or a representative body controlling the game in the State is a dispute which must be resolved not by recourse to such proceedings and approaching this Court but obtaining appropriate declarations and reliefs from competent Civil Courts or other authorities. If one association claims that it is duly registered as a public trust and has filed some documents, but the Petitioner, represented by Commander Kehar Singh (retired) disputes the contents thereof, then, irrespective of the outcome of the earlier Petition, it would be open for the groups or factions within to approach such Court or authorities which are permissible in law. We cannot entertain the Petition on account of the aforementioned disputes.

8) For the reasons set out in the order passed in Writ Petition No. 755 of 2014 dated 21st November, 2015 so also above additional reasons, we dismiss the Petition. We, however, clarify that dismissal of this Petition shall not prevent the parties from approaching the competent Court or authorities to resolve disputes in accordance with law.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)