

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

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THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WA.No. 2026 of 2015 () IN WP(C).26492/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 26492/2015 of HIGH COURT OF
KERALA DATED 02-09-2015

APPELLANTS/RESPONDENTS:

1. KERALA STATE VOLLEY BALL ASSOCIATION,
REP. BY ITS SECRETARY, NALAKATHU BASHEER,
NOORMAHAL, NEAR MUNICIPAL TOWN HALL,
PERINTHALMANNA, MALAPPURAM DISTRICT.
2. MALAPPURAM DISTRICT VOLLEY BALL ASSOCIATION,
MALAPPURAM DISTRICT, REP. BY ITS SECRETARY,
UMMERKHAN, CHOLAKKAL HOUSE, ATTEERI, PUTHUR P.O.,
MALAPPURAM DISTRICT.
3. MALAPPURAM DISTRICT VOLLEY BALL ASSOCIATION,
MALAPPURAM DISTRICT, REP. BY ITS PRESIDENT,
BABU PALATT, LAKSHMI VILAS, VALLIKUNNU P.O.,
KADALUNDI NAGARAM VIA, MALAPPURAM DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/PETITIONER:

K. UMMER HAJI, S/O.ALAVIKUTT HAJI, AGED 61 YEARS,
KODIANGAL HOUSE, P.O. OMACHAPUZHA,
MALAPPURAM DISTRICT - 376 320.

BY SRI.HARISH R. MENON

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 15-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX TO W.A.NO.2026 OF 2015

APPELLANT'S EXHIBITS:

ANNEXURE A: TRUE COPY OF THE BYELAW OF THE SOCIETY.

RESPONDENT'S EXHIBITS:

NIL

// True Copy// PA to Judge

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.A.No.2026 of 2015

Dated this the 15th day of September 2015

J U D G M E N T

Shaffique, J

This appeal is filed by the respondents in W.P.C.No.26492/2015 challenging the interim order dated 02/09/2015 by which the learned Single Judge observed that if the District Level Volleyball tournament is scheduled on 06/09/2015, petitioner shall be provisionally allowed to take part in the tournament.

2. Heard the learned counsel for the appellants and the learned counsel appearing for the respondent/writ petitioner. It is submitted by the learned counsel for the appellants that even as per the averments in the writ petition, petitioner has approached the Court in his individual capacity. He has produced Ext.P3 dated 08/06/2015 by which the District Volleyball Association has suspended Evergreen Pulparamba Club from participating in all championships for a period of two years from 08/06/2015. It is stated that the said club has not filed any appeal against the order of suspension. Petitioner had only produced Ext.P4 an

appeal purported to be filed by one Mohammed Shareef, Secretary of Pratheeksha Arts and Sports Club against the decision taken by the Executive Committee on 21/04/2015, which has no connection whatsoever with the petitioner. Ext.P5 is an appeal dated 01/09/2015 purportedly given by the petitioner to the appellate authority namely the District Volleyball Association, Malappuram requesting participation in the Championship conducted by the District Volleyball Association.

3. Having regard to the aforesaid factual situation, it is contended by the learned counsel for the appellants that in so far as the order of suspension has become final and no proper appeal has been filed within a reasonable time, there was no reason for the learned Single Judge to have permitted the petitioner to participate in the championship which was scheduled on 06/09/2015.

4. On the other hand, the learned counsel for the respondent/writ petitioner submits that in so far as championship had been postponed, there is no necessity for interfering with the interim order.

5. The learned counsel for the appellants submits that the championship is scheduled to be conducted on 16/09/2015 and therefore petitioner may stake to claim on the basis of the interim

order.

6. Having regard to the factual situation that the petitioner is not a club and the club has not come forward to challenge Ext.P3, we are of the view that as long as Ext.P3 is in force, Evergreen Volleyball Club cannot have a right to participate in the championship.

7. The learned counsel for the appellants submits that similar suspension orders have been issued against other eight other clubs and they too have no right to participate in the championship. We are of the view that as long as suspension orders are in force, they cannot be permitted to participate in the championship.

8. We therefore allow the writ appeal vacating the interim order passed by the learned Single Judge and permit the parties to appear before the learned Single Judge to seek appropriate orders.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr

