

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WA.No. 2240 of 2015 () IN WP(C).15589/2015

AGAINST THE JUDGMENT IN WP(C) 15589/2015 DATED 12-10-2015

APPELLANT(S)/PETITIONERS :-

1. KERALA CYCLE POLO ASSOCIATION,
(REGISTRATION No.1471/90)
REPRESENTED BY ITS HONORARY SECRETARY,
A.M.K. NIZAR, T.C.20/1232, KARAMANA P.O.,
THIRUVANANTHAPURAM - 695 002.
2. KASARAGOD DISTRICT CYCLE POLO ASSOCIATION,
REPRESENTED BY ITS HONORARY SECRETARY,
C.A.ABDUL AZEEZ, "DARUSSALAM",
RAHMANIYA NAGAR, MUTTATHODY P.O., KASARAGOD - 671 123.

BY ADV. SRI.S.M.PREM

RESPONDENT(S)/RESPONDENTS :-

1. KERALA STATE SPORTS COUNCIL,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM - 695 001.
2. PADMINI THOMAS, PRESIDENT,
KERALA STATE SPORTS COUNCIL, THIRUVANANTHAPURAM-695001.
3. DR.BINU GEORGE VARGHESE, SECRETARY,
KERALA STATE SPORTS COUNCIL,
THIRUVANANTHAPURAM - 695 001.

BY ADV. SMT.LATHA ANAND, SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14-10-2015 ALONG WITH W.A.No.2247 OF 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. Nos.2240 & 2247 of 2015

Dated this the 14th day of October 2015

J U D G M E N T

Shaffique, J.

W.A.No.2240 of 2015 has been filed by the writ petitioners in W.P.(C) No.15589 of 2015 and W.A.No.2247 of 2015 has been filed by the petitioner in W.P.(C) No.7030 of 2015, challenging the common judgment dated 12.10.2015, by which, the learned Single Judge refused to grant the reliefs sought for on the ground that unless the rival claims relating to represent the petitioner Association is settled by any competent court or the Tribunal as the case may be, no relief can be granted to the writ petitioners.

2. W.P.(C) No.7030 of 2015 had been filed by the petitioner seeking to quash Exts.P11 and P12 and for a direction to respondents 1 and 2, namely; the Government of India as well as the Director General, Sports Authority of India to ensure that the 3rd respondent, the Cycle Polo Federation of

India, promotes good governance practices in the management of the Cycle Polo sport as per the National Sports Policy and functions in conformity with the provisions of the National Sports Development Code of India, 2011. The petitioner contended that it is a Society registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. It has been conducting State Championships of Cycle Polo since 1970 and it is having active units in all the 14 Districts in the State of Kerala. It is stated that the Kerala Cycle Polo Association (KCPA) has been conducting District and State Championships and the registered players duly selected by the KCPA alone are permitted to participate in the District, State and National Championships and as matter stands now, when the petitioner Society had selected a State Team, interference had been made by the respondents by issuing Exts.P11 and P12. Ext.P11 is a letter dated 15.1.2015, by which, the Federation had disaffiliated the petitioner Association. Ext.P12 is another letter dated 15.1.2015 issued by the Federation directing the petitioner to hand over charge to the newly elected body of Kerala Cycle Polo Association.

3. W.P.(C) No.15589 of 2015 has been filed by the very same appellant seeking for a direction to Kerala State Sports Council to nominate an Observer for the conduct of State Cycle Polo Championships 2015-'16 and to disburse the grant for the same as requested in Exts.P13 and P14 letters. Both the writ petitions were heard together and the learned Single Judge rejected the claims and directed the appellants to approach the appropriate forum.

4. It is argued by the learned counsel for the appellants that the teams have already been selected for National Championships and the disaffiliation of the Federation should not affect the teams so selected. That apart, the teams were selected in the presence of an Advocate Commissioner appointed by the Court.

5. These questions have been specifically considered by us earlier in W.A.Nos.185 & 186 of 2014. That was a case in which the very same petitioner has approached this Court challenging the common judgment in W.P.(C) No.10596 of 2013 and W.P.(C) No.21924 of 2013. One of the reliefs sought for in W.P.(C) No.10596 of 2013 was to treat the petitioner

Association as an affiliated association and to intimate all its decisions and permit the Kerala team to participate in all National and State events in the sport of Cycle Polo. While disposing of the above two appeals, we observed as follows :-

“(i) W.A.No.185/2014 & 186/2014 are disposed of with liberty to the appellants to approach the appropriate Forum to challenge their disaffiliation. All other contentions are left open to be decided in the appropriate proceedings.

(ii) The Kerala State team which was selected in the presence of the Observer of the Kerala State Sports Council, shall be allowed to participate in the National Championship of 2014-2015, conducted by the National Federation. Kerala State Sports Council shall make necessary arrangements for the same and their representatives alone shall accompany the team. National Federation shall not deprive participation of the Kerala State Team on the ground of disaffiliation of KCPA.”

6. The fact remains that the petitioner Association had been disaffiliated from the Federation. Once it is disaffiliated, it cannot claim any right to formation of any team and the said team should be sent for National Championships. We have already indicated in the common judgment in W.A.Nos.185 & 186 of 2014 that the appellants will be at liberty to challenge

the disaffiliation by approaching appropriate Forum and no steps had been taken by the appellants so far. Therefore, the fact remains that the disaffiliation still remains and the petitioner Association has no affiliation to National Federation.

7. Having regard to the aforesaid factual situation, it is pertinent to note that the present challenge to Exts.P11 and P12 has already been considered by us in the earlier writ appeals.

8. The learned Single Judge after having considered the matter in detail, opined that the question has already been considered by this Court in W.A.Nos.185 & 186 of 2014, there is nothing further to be done in the matter. The learned Single Judge further observed that now, the petitioner complains that an Adhoc committee being constituted for taking care of the KCPA. It is also observed that the office bearers of the present Association had been removed and a Special General Body Meeting of KCPA was convened and new office bearers were elected in the KCPA. It is further observed that if there is any dispute in regard to the election being conducted, it is open for the petitioners to approach appropriate authorities.

9. In fact, even in the judgment which we rendered in W.A.Nos.185 & 186 of 2014, we have also formed an opinion that the question regarding disaffiliation has to be taken up before the appropriate forum. Hence, nothing remains to be done in the matter. It is not open for the appellants to contend that they are entitled to participate the team selected by them in the National Championship.

Under such circumstances, we do not find any error in the judgment passed by the learned Single Judge, dismissing the writ petitions. Accordingly, the writ appeals are also dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE