

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 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WA.No. 2293 of 2015 IN WP(C).24048/2015

AGAINST THE JUDGMENT IN WP(C) 24048/2015 DATED 07-08-2015

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APPELLANTS/PETITIONERS :

1. JOSHYCHAN, AGED 42 YEARS,
S/O.SUNNY GEORGE, VARAYAM PALLIL, KAVALAM P.O
ALAPPUZHA.
2. MAHADEVIKAD BOAT CLUB
REPRESENTED BY ITS SECRETARY, PRAVEEN SANKAR
AGED 31 YEARS, PRAVEEN NIVAS, S.N NAGAR, VALIYAPARAMBIL
KARTHIKAPALLY, ALAPPUZHA.

BY ADVS.SRI.R.T.PRADEEP
SRI.C.V.BIMAL ROY
SMT.M.BINDUDAS

RESPONDENTS/RESPONDENTS :

1. DISTRICT COLLECTOR
ALAPPUZHA/CHAIRMAN, NEHRU TROPHY BOAT RACE SOCIETY
ALAPPUZHA 688 001.
2. SUB COLLECTOR
ALAPPUZHA/SECRETARY, NEHRU TROPHY BOAT RACE SOCIETY
ALAPPUZHA 688 001.
3. ST.FRANCIS BOAT CLUB
KOLLAM, REPRESENTED BY ITS SECRETARY A.VIJAYAN
KORATHUVALLY, KARALIMUKKU P.O, PATHAKULAM
KOLLAM DISTRICT 690 521.

R1 & R2 BY SR.GOVERNMENT PLEADER, SRI.P.I. DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 2293 OF 2015

Dated this the 21st day of October, 2015

JUDGMENT

Ashok Bhushan, C.J.

This writ appeal has been filed against the judgment dated 07.08.2015 by which W.P.(C) No.24048 of 2015 filed by the appellants was dismissed with certain observations. The appellants were the writ petitioners. In the writ petition they had challenged Ext.P6 and P8 orders.

2. Ext.P6 was an order passed by the Sub Collector by which the registration of the second petitioner Club, for participation in the Nehru Trophy Boat Race for a period of three years, was cancelled. The petitioner had challenged Ext.P6 order and this Court by its order dated 13.07.2015 directed for consideration of Ext.P4 representation pending consideration before the District Collector. The District Collector considered the representation and by Ext.P8 order decided to uphold the order of disqualification imposed by the Sub Collector.

3. Learned Single Judge after considering all aspects of the matter took a view that the disqualification for the coming years is applicable only to the race in which the Club misbehaved. The submissions of the petitioner that there was no code of conduct and petitioner has not misbehaved were all rejected. The learned Single Judge affirmed the order passed by the authorities concerned which were passed after considering the relevant records.

4. Learned Senior Government Pleader has submitted that in fact the Society which conducts the Boat Race has taken a decision not to permit two boat clubs to participate in the Nehru Trophy Boat Race for the years 2015, 2016 and 2017. Learned counsel for the appellant sought to challenge the orders passed Exts.P6 and P8 on the submission that there was no code of conduct provided for the participants and in fact petitioners have not violated any such code of conduct and disqualification imposed was unjustified. Learned Government Pleader further submits that the decision taken by the authorities were based on the consideration of all relevant facts including the incident and event which was reported in

the daily news papers and in such boat race which is of national importance, discipline has to be maintained at any cost and no error can be found in the orders disqualifying the petitioners.

5. We have considered the submission of the parties and perused the record. There is no dispute that the boat race is organised under the aegis of the District Administration which takes all responsibility for maintaining law and order and providing necessary opportunity for participating by different teams. The petitioner/appellant is asking the writ court to re-appreciate the evidence and come to a finding that no indiscipline has been committed by the petitioners. We are of the view that this Court shall not enter into such issues. The authorities with regard to non-compliance has formed an opinion and took a decision in which no error was committed by learned Single Judge in refusing to interfere. Learned Single Judge however, while dismissing the writ petition has made an observation giving certain concession to the petitioner/appellant.

We do not find any ground in the appeal to interfere with the judgment of learned Single Judge. The Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**