

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 595 of 2015 (Y)

PETITIONER(S) :

**DRAGON BOATS ASSOCIATION OF KERALA,
KOLUTHADI, THATHAMPALLY P.O., ALAPPUZHA, KERALA-688 013,
REPRESENTED BY ITS SECRETARY.**

**BY ADVS.SRI.ABDUL JALEEL.A
SMT.M.A.SULFIA**

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY SECRETARY THE MINISTRY OF SKILL DEVELOPMENT,
ENTREPRENEURSHIP, YOUTH AFFAIRS AND SPORTS,
SHASTRI BHAWAN, NEW DELHI-110 001.**
- 2. THE PRESIDENT,
INDIAN OLYMPIC ASSOCIATION (IOA), OLYMPIC BHAWAN, B-29,
QUTAB INTERNATIONAL AREA, OPP. ROCK LAND HOSPITAL,
NEW DELHI-110 016.**
- 3. CHIEF MINISTER OF KERALA/CHAIRMAN OF NATIONAL GAMES,
35TH NATIONAL GAMES KERALA,
NATIONAL GAMES ORGANIZING COMMITTEE (NGOC),
CHANDRASEKHARAN NAIR STADIUM, PALAYAM,
THIRUVANANTHAPURAM-695 033.**
- 4. THE CO-CHAIRMAN,
35TH NATIONAL GAMES KERALA, TECHNICAL COMMITTEE,
NATIONAL GAMES ORGANIZING COMMITTEE (NGOC),
CHANDRASEKHARAN NAIR STADIUM, PALAYAM,
THIRUVANANTHAPURAM-695 033.**
- 5. DRAGON BOAT FEDERATION OF INDIA,
SECRETARIAT, 1143, SECTOR-17,
HUDA, JAGADHARI, YAMUNA NAGAR,
HARIYANA-135 003, REPRESENTED BY SECRETARY.**

**R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R3 BY GOVERNMENT PLEADER SRI.K.C.VINCENT
R4 BY ADVS. SRI. SREELAL.N.WARRIOR
R5 BY ADV. SMT.P.Y.SHEHEERA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1:** TRUE COPY OF THE CERTIFICATE SHOWING AFFILIATION OF PETITIONER ASSOCIATION WITH DRAGON BOAT FEDERATION OF INDIA.
- EXHIBIT-P2:** TRUE COPY OF THE CERTIFICATES SHOWING MEMBERSHIP OF PETITIONER ASSOCIATION WITH INTERNATIONAL DRAGON BOAT FEDERATION.
- EXHIBIT-P3:** TRUE COPY OF THE CERTIFICATE SHOWING RECOGNITION OF PETITIONER ASSOCIATION WITH OLYMPIC COUNCIL OF ASIA.
- EXHIBIT-P4:** DETAILS OF NATIONAL AND INTERNATIONAL DRAGON BOAT CHAMPIONSHIPS DURING 2008-2014 WITH RESPECT TO DRAGON BOAT RACE.
- EXHIBIT-P5:** TRUE COPY OF THE REPRESENTATION DATED 17/12/2013 FILED BEFORE 3RD RESPONDENT.
- EXHIBIT-P6:** TRUE COPY OF THE REPRESENTATION DATED 22/03/2014 FILED BEFORE HONORABLE MINISTER OF SPORTS, KERALA.
- EXHIBIT-P7:** TRUE COPY OF THE INTIMATION DATED 14/07/2014 RECEIVED FROM 4TH RESPONDENT.
- EXHIBIT-P8:** TRUE COPY OF THE REPRESENTATION DATED 06/12/2014 FILED BY THE 5TH RESPONDENT.
- EXHIBIT-P9:** TRUE COPY OF THE REPRESENTATION DATED 03/12/2014 FILED BY PETITIONER.
- EXHIBIT-P10:** A TRUE COPY OF NEWS-REPORT DATED 14.01.2015 DESABHIMANI.
- EXHIBIT-P11:** R1 REPLY OF 3RD RESPONDENT DATED 22.12.2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 595 of 2015

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Dated, this the 23rd day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(a) To issue a writ of mandamus or any other appropriate writ, order or direction and command the respondents to include the Dragon Boat Race as an event in the forthcoming 35th National Games to be held on 31.01.2014.

(b) To issue a writ in the nature of mandamus or any other appropriate writ, order or direction to respondents 2 to 4 to consider and pass orders in Ext.P8 and P9 at the earliest so as to provide the members of the petitioner association a chance to display their talents and skills before the world in the forthcoming National Games.

(c) Grant such other and further reliefs as are deemed just and necessary considering the facts and circumstances of the case.

2. Heard the learned Asst. Solicitor General appearing for the first respondent, Sri. Sreelal N. Warriar the learned standing counsel appearing for the 4th respondent and the learned Government Pleader appearing for the 3rd respondent.

3. The grievance of the petitioner appears to be that the event 'Dragon Boat Race' is an important upcoming sports item, which ought to have been included as part of the National Games. Though the National Games stand scheduled to be held on 31st January 2015, the said event is still to be included. Hence the writ petition.

4. The learned standing counsel submits that event is conducted by the second respondent strictly in terms of norms and guidelines prescribed in this regard. It is for the second respondent to consider whether a particular item is to be included. In respect of the items which are already included, opportunity will be given only to the 7 top teams from the concerned States, to participate in the games, with liberty to the home State to be included even if they do not figure in the top seven. Considering the nature of relief sought for, the item 'Dragon Boat Race' is still to be included as part of the National Games and as such, it is for the second respondent to consider and decide whether the said item is to be included or not. Even if a positive decision is taken, necessary infrastructure has to be provided and seven top teams from the different States have to be identified, which is practically impossible at this 11th hour.

5. After hearing both the sides and considering the limited extent of relief proposed to be given, this Court does not find it necessary to issue notice to the 5th respondent for the time being. The writ petition is disposed of, directing the second respondent to consider and pass appropriate orders on Ext. P9 preferred by the petitioner, for causing the event 'Dragon Boat Race' to be included in the National Games, at least from the next year onwards. The proceedings as above shall be finalized, at the earliest, at any rate within three months from the date of receipt of a copy of this judgment. This Court does not express anything with regard to the merit of the claim, which is to be considered by the second respondent, taking note of all the relevant facts and circumstances.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd