

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

WP(C).No. 27686 of 2015 (I)

PETITIONER(S):

**ERNAKULAM DISTRICT ROLLER SKATING ASSOCIATION,
REGISTRATION NO. ER-410/08, ABSONS, KUZHIKKATTIL,
DOOR NO. 29/1635-C, JAWAHAR ROAD, THYKKUDAM,
VYTTILA, KOCHI - 682 019,
REPRESENTED BY ITS HONORARY GENERAL SECRETARY.**

**BY ADVS.SRI.S.M.PREM
SRI.P.RAMACHANDRAN (PALAKKAD)**

RESPONDENT(S):

**1. KERALA ROLLER SKATING ASSOCIATION,
REPRESENTED BY ITS HONORARY GENERAL SECRETARY,
SEBASTIAN PREM C., LOURDES COTTAGE, T.C 26/510,
SERA-52, NEAR ADHYAPAKA BHAVAN,
THIRUVANANTHAPURAM -695 001.**

**2. THE PRESIDENT,
ERNAKULAM DISTRICT SPORTS COUNCIL, MINI STADIUM,
P.T. USHA ROAD, KOCHI - 682 011.**

*** ADDITIONAL R3 TO R31 IMPEADED**

**3. ADYKRISHNA V.S., AGE 11 YERS,
S/O.SRI.SELVARAJ K.M., RESIDING AT VISHNUPRIYA HOUSE,
MULAVUKADU P.O., BOLGHATTY, ERNAKULAM - 682 504,
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.SELVARAJA K.M., AGED 48 YEARS, S/O.SRI.MANIAN PILLAI.**

**4. AVINASH CINESH, AGED 10 YEARS,
S/O.SRI.CINESH SREEDHAR, RESIDING AT FI,
MAGNUM APARTMENTS, VIVEKANANDA NAGAR ROAD,
ELAMAKKARA, COCHIN - 682 026, REPRESENTED BY HIS
NEXT FRIEND AND FATHER SRI.CINESH SREEDHAR,
AGED 38 YEARS, S/O.SRI.K.SREEDHARAN PILLAI.**

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5. AVANTHIKA CINESH, AGED 10 YEARS,
D/O.SRI.CINESH SREEDHAR, RESIDING AT FI,
MAGNUM APARTMENTS, VIVEKANANDA NAGAR ROAD,
ELAMAKKARA, COCHIN - 682 026, REPRESENTED BY HIS
NEXT FRIEND AND FATHER SRI.CINESH SREEDHAR,
AGED 38 YEARS, S/O.SRI.K.SREEDHARAN PILLAI.
6. KRISHNAVENI R., AGED 15 YEARS,
D/O.SRI.RAMAKRISHNAN H., RESIDING AT SUDARSHAN,
ALAPPAT ROAD, 39/3294, COCHIN - 682 016,
REPRESENTED BY HER NEXT FRIEND AND FATHER
SRI.RAMAKRISHNAN H., AGED 50 YEARS, S/O.SRI.HARINDRAN.
7. VIVEK THOMAS, AGED 18 YEARS,
S/O.P.T.THOMAS, RESIDING AT HOUSE # 27,
41/1100A, VYLASSERY ROAD, PALARIVATTOM,
KOCHI - 682 025.
8. SARANYA K., AGED 19 YEARS,
D/O.SRI.KRISHNAKUMAR, RESIDING AT FLAT # 6F3,
SILVER CASTLE APARTMENTS, RAMANKUTTY ACHAN ROAD,
COCHIN - 682 016.
9. SHREYA P.SHENOI, AGED 11 YEARS,
D/O.SRI.PRAVEEN P. SHENOI, RESIDING AT
VANDANA, OPP. KRISHNA HOSPITAL, CHITTOR ROAD,
KACHERIPADY, COCHIN - 682 018, REPRESENTED BY
HER NEXT FRIEND AND FATHER SRI.PRAVEEN P. SHENOI,
AGED 41 YEARS, S/O. SRI.PRADEEP SHENOI.
10. SINDRIN BRITE, AGED 8 YEARS,
D/O.SRI.BRITE K.JOSEPH, RESIDING AT
KANNOOTH HOUSE, PERUMANOOR, COCHIN - 682 015,
REPRESENTED BY HER NEXT FRIEND AND FATHER
SRI.BRITE K.JOSEPH, AGED 43 YEARS,
S/O.SRI.JOSEPH K.
11. SANDRIN BRITE, AGED 8 YEARS,
D/O.SRI.BRITE K.JOSEPH, RESIDING AT
KANNOOTH HOUSE, PERUMANOOR, COCHIN - 682 015,
REPRESENTED BY HER NEXT FRIEND AND FATHER
SRI.BRITE K.JOSEPH, AGED 43 YEARS,
S/O.SRI.JOSEPH K.
12. AKSHAY MINU, AGED 13 YEARS,
S/O.SRI.MINU T.K., RESIDING AT THURUTHEL HOUSE,
PALLURUTHY P.O., COCHIN - 682 006,
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.MINU T.K., AGED 45 YEARS,
S/O.SRI.KESHAVAN.

WP(C).No. 27686 of 2015 (I)

13. GAYATHRICHANDANA S., AGED 9 YEARS,
D/O.SRI.SAYIM FASALUL, RESIDING AT
THUVARA PUTHENPURAYIL HOUSE, PALLURUTHY,
KOCHI - 682 006, REPRESENTED BY HER NEXT FRIEND
AND FATHER SAYIM FASALUL, AGED 40 YEARS,
S/O.P.SADANANDAN.
14. ASHVIN VINU, AGED 9 YEARS,
S/O.SRI.VINU M.C., RESIDING AT ROSE DALE,
ST.JACOBS CHURCH LANE, PAMBAIMOOLA,
KOCHI - 682 010, REPRESENTED BY HIS NEXT
FRIEND AND FATHER SRI.VINU M.C.,
AGED 40 YEARS, S/O.SRI.CHANDRAN.
15. ASHWIN SARISH, AGE 14 YEARS,
S/O.SRI.SARISH KUMAR N., RESIDING AT
ASHARY PARAMBU, AYYAPANKAVU, COCHIN - 682 018,
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.SARISH KUMAR N., AGED 49 YEARS,
S/O.SRI.NARAYANAN.
16. SIDHARTH SHEKAR, AGED 9 YEARS,
S/O.SRI.BOBISH K.S., RESIDING AT KALATHUNGAL,
H V P THURUTH, CHENDAMANGALAM P.O.,
PIN - 683 512, REPRESENTED BY HIS NEXT FRIEND
AND FATHER BOBISH K.S., AGED 41 YEARS,
S/O.SRI.SEKHARAN K.V.
17. NANDA NAIR, AGED 11 YEARS,
D/O.SRI.BIJU D. NAIR, RESIDING AT PULLAL HOUSE,
RAYAMANGALAM P.O., PERUMBAVOOR - 683 545,
REPRESENTED BY HER NEXT FRIEND AND FATHER
D/O. SRI.BIJU D. NAIR, AGE 41 YEARS,
S/O.SRI.S.DIWAKARAN NAIR.
18. ROHIT B., AGED 11 YEARS, S/O.SRI.BIJOI R.,
RESIDING AT NJALUPPADY HOUSE, IRINGOLEPO,
PERUMBAVOOR - 683 548, REPRESENTED BY HIS
NEXT FRIEND AND FATHER SRI.BIJOY R.,
AGED 44 YEARS, S/O.SRI.RAMAKRISHNAN.
19. SANJAY LAL, AGED 18 YEARS, S/O.SRI.LAL,
RESIDING AT LAL NIVAS, ARUVELIPARAMBU,
CITIZEN ROAD, AYYAPPANKAVU, COCHIN 0 682 018,
20. IHZAN ISMAIL, AGED 18 YEARS,
S/O.SRI.ISMAIL JAMAL, RESIDING AT F3,
JINS ARACADE, VALIYAVEETIL,
V.K. BAVA LANE, SRM ROAD, COCHIN - 682 018.

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WP(C).No. 27686 of 2015 (I)

21. ANANYA M., AGED 11 YEARS, D/O.SRI.MURALIDHARAN,
RESIDING AT C/O.SRI.THOMAS JOSEPH MANAYIL,
ESI ROAD, PALLURUTHI P.O., KOCHIN - 682 006,
REPRESENTED BY HER NEXT FRIEND AND FATHER
MURALIDHARAN, AGED 49 YEARS, S/O.SRI.PRABHAKARAN.
22. SUVARNA S., AGED 11 YEARS, D/O.SRI.SREEKUMAR S.R.,
RESIDING AT SWARGATH MADOM, WEST OF ARAKULAM,
KODUNGALLUR - 680 664,
REPRESENTED BY HER NEXT FRIEND AND FATHER
SREEKUMAR S.R., AGED 44 YEARS,
S/O.SRI.RAJAGOPAL PRABHU.
23. GURUDUTT, AGED 9 YEARS, S/O.SRI.JAYAPRAKASH C.S.,
RESIDING AT CHULLIKKATTU HOUSE, PALLIPORT,
CHERAI - 683 515, REPRESENTED BY HIS NEXT FRIEND
AND FATHER SRI.JAYAPRAKASH C.S., AGED 51 YEARS,
S/O. SRI.SHANMUGHAN.
24. AMAL REJI, AGED 15 YEARS, S/O. SRI.REJI V.G.,
RESIDING AT HOUSE # 29, JUDGES AVENUE,
INDIRA NAGAR, KALLOOR, COCHIN - 682 017,
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.REJI V.G., AGED 53 YEARS, S/O.SRI.GEEVARGHEESE.
25. ANN ROSE, AGED 12 YEARS, D/O.SRI.REJI V.G.,
RESIDING AT HOUSE # 29, JUDGES AVENUE,
INDIRA NAGAR, KALLOOR, COCHIN - 682 017,
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.REJI V.G., AGED 53 YEARS, S/O.SRI.GEEVARGHEESE.
26. NIVED ARUN, AGED 16 YEARS,
S/O.SMT.ANITA ABRAHAM, RESIDING AT 3C,
MANGALAM TOWERS, CHAKKARAPARAMBU,
VENNALA P.O., COCHIN - 682 028,
REPRESENTED BY HIS NEXT FRIEND AND MOTHER
SMT.ANITA ABRAHAM, AGED 46 YEARS, D/O.SRI.K.I.EBRAHAM.
27. EDWIN SHAJI, AGED 12 YEARS, S/O.SRI.P.T.SHAJI,
RESIDING AT PUTHANANGADY HOUSE, NAZRATH J.M.ROAD,
ALUVA - 693 101, REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.P.T.SHAJI, AGED 46 YEARS, S/O.SRI.THAMPI P.
28. LACTEN MENDEZ, AGED 8 YEARS,
S/O.SRI. JOSEPH MENDEZ, RESIDING AT
KALANGARA HOUSE, KOTHAD P.O.,
ERNAKULAM - 682 027, REPRESENTED BY HIS
NEXT FRIEND AND FATHER JOSEPH MENDEZ,
AGED 44 YEARS, S/O.SRI.JACOB MENDEZ.

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WP(C).No. 27686 of 2015 (I)

29. DHARMIK JAIN, AGED 13 YERS, S/O.SRI.MUKESH JAIN,
RESIDING AT 10 D, RATAN APARTMENTS, T D WEST ROAD,
ERNAKULAM - 682 035, REPRESENTED BY HIS NEXT FRIEND
AND FATHER SRI.MUKESH JAIN, AGED 45 YEARS,
S/O.CHANDANMAL.

30. ASHWIN K. SANTHOSH, AGED 15 YEARS,
S/O.SMT.SHEEBA P., RESIDING AT 3C,
AC ORION, PULLEPADY, ERNAKULAM - 682 018,
REPRESENTED BY HIS NEXT FRIEND AND MOTHER
SMT.SHEEBA P., AGED 45 YEARS, D/O.SRI.BHANUPRAKASH.

31. EMMANUEL ANTONY, AGED 16 YEARS,
S/O.SRI.E.G.MANUEL RAJU, RESIDING AT
ELANJIMATTOM HOUSE, RAILWAY STATION ROAD,
NETTOOR P.O., ERNAKULAM - 682 040,
REPRESENTED BY HIS NEXT FRIEND AND FATHER
SRI.E.G.MANUEL RAJU, AGED 48 YEARS,
S/O.SRI.E.G.GEORGE.

* ADDITIONAL R3 TO R31 ADDED AS PER ORDER DTD.26.10.2015
IN IA.15296/2015.

** ADDITIONAL R32 IMPEADED

32. KERALA STATE SPORTS COUNCIL,
BEHIND SECRETARIAT, THIRUVANANTHAPURAM-1,
REPRESENTED BY ITS SECRETARY.

** ADDITIONAL R32 IMPEADED AS PER ORDER DTD.29/10/2015 IN IA.15541/15.

R1 BY ADVS. SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

R2 BY ADV. SRI.AVINASH K.KRISHNAN

R3-R31 BY ADV. SRI.K.ANAND (SR.)

SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.
SMT.ANILA PETER
SRI.J.VIVEK GEORGE
SRI.SAJI MATHEW
SRI.DENU JOSEPH
SMT.LATHA ANAND

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1-TRUE COPY OF THE CERTIFICATE OF REGISTRATION NO. ER/410/08
ISSUED BY THE REGISTRAR OF SOCIETIES, ERNAKULAM.**

**EXHIBIT-P2-TRUE COPY OF THE RECEIPT NO. 685 DATED 31/07/2008 ISSUED BY THE
SECRETARY, ERNAKULAM DISTRICT SPORTS COUNCIL TO THE
PETITIONER ACCEPTING THE PRESCRIBED ONE TIME REGISTRATION
FEE OF RS.500/-**

**EXHIBIT-P3-TRUE COPY OF THE CIRCULAR DATED 30/05/2013 ISSUED BY THE
5TH RESPONDENT TO THE PETITIONER.**

**EXHIBIT-P4-TRUE COPY OF THE LETTER NO. EDSC/A1/239/2013 DATED 27/09/2013
ISSUED BY THE SECRETARY, ERNAKULAM DISTRICT SPORTS COUNCIL,
DEPUTING SRI. MATHEW PAUL AS OBSERVER FOR THE CONDUCT OF
ELECTION OF OFFICE BEARERS OF THE PETITIONER - ASSOCIATION ON
28/09/2013.**

**EXHIBIT-P5-TRUE COPY OF THE LETTER DATED 07/10/2013 SUBMITTED BY THE
PETITIONER TO THE RESPONDENTS 2, 3 AND 5 ALONG WITH THE
EXTRACT OF THE MINUTES OF THE ELECTION GENERAL BODY
MEETING OF THE PETITIONER - ASSOCIATION AND THE RESULT OF THE
ELECTION CONDUCTED ON 28/09/2013 IN THE PRESENCE OF THE
OBSERVER OF THE ERNAKULAM DISTRICT SPORTS COUNCIL**

**EXHIBIT-P6-TRUE COPY OF THE LETTER OF THE 1ST RESPONDENT NO. KRSA/148/
2013 DATED 07/10/2013 RECEIVED BY THE PETITIONER.**

**EXHIBIT-P7-TRUE COPY OF THE NEWS REPORT WHICH APPEARED IN THE
MALAYALA MANORAMA DAILY DATED 27/10/2013.**

**EXHIBIT-P8-TRUE COPY OF THE NEWS REPORT WHICH APPEARED IN THE DEEPIKA
DAILY DATED 27/10/2013.**

**EXHIBIT-P9-TRUE COPY OF THE LETTER NO. KRSA/152/2013 DATED 23/10/2013
SIGNED BY THE HONORARY GENERAL SECRETARY OF THE KERALA
ROLLER SKATING ASSOCIATION AND COMMUNICATED TO THE
ELECTED VICE PRESIDENT (SMT. UMA THOMAS) OF THE PETITIONER
ASSOCIATION.**

**EXHIBIT-P10-TRUE COPY OF THE LETTER NO. KRSA/153/2013 DATED 23/10/2013
SIGNED BY THE HONORARY GENERAL SECRETARY OF THE KERALA
ROLLER SKATING ASSOCIATION AND COMMUNICATED TO THE
ELECTED VICE PRESIDENT (SMT. USHA THOMAS) OF THE PETITIONER
ASSOCIATION.**

**EXHIBIT-P11-TRUE COPY OF THE JUDGMENT DATED 17/12/2014. IN W.A.
NO. 1581/2014**

**EXHIBIT-P12-TRUE COPY OF THE NOTICE OF CHAMPIONSHIP ISSUED BY THE
PETITIONER AND PUBLISHED IN THE MATHRUBHUMI DAILY
DATED 30/08/2015.**

msv/

WP(C).No. 27686 of 2015 (I)

EXHIBIT-P13-TRUE COPY OF THE NOTICE OF CONDUCT OF ERNAKULAM DISTRICT ROLLER SKATING CHAMPIONSHIP BY THE 1ST RESPONDENT THAT APPEARED IN THE MATHRUBHUMI DAILY DATED 21/08/2015.

EXHIBIT-P14-TRUE COPY OF THE JOINT STATEMENT DATED 26/08/2015 ISSUED BY THE PRESIDENT OF THE PETITIONER ASSOCIATION AND THE PRESIDENT OF THE ERNAKULAM DISTRICT SPORTS COUNCIL.

EXHIBIT-P15-TRUE COPY OF THE JUDGMENT DATED 10/09/2015 PASSED BY THE SPORTS APPELLATE TRIBUNAL, THIRUVANANTHAPURAM IN APPEAL NO. 1 OF 2015.

EXHIBIT-P16-TRUE COPY OF THE ORDER DATED 18/12/2014 IN W.A 185/2014 PASSED BY THE DIVISION BENCH OF THIS HONOURABLE COURT.

EXHIBIT-P17: TRUE COPY OF ORDER NO.EDSA/A1.231.2015 DTD.3.9.2015 ISSUED BY THE ERNAKULAM DISTRICT SPORTS COUNCIL APPOINTING SRI.V.M.SHAMSUDDEEN, MEMBER OF THE EXECUTIVE COMMITTEE, AS OBSERVER FOR THE CONDUCT OF THE ERNAKULAM DISTRICT ROLLER SKATING CHAMPIONSHIP 2015-16 BY THE PETITIONER ASSOCIATION.

EXHIBIT-P18: TRUE COPY OF THE REPORT DTD.15.9.2015 SUBMITTED BY THE OBSERVER ON THE CONDUCT OF THE ERNAKULAM DISTRICT ROLLER SKATING CHAMPIONSHIPS 2015-16 TO THE ERNAKULAM DISTRICT SPORTS COUNCIL.

RESPONDENT(S)' EXHIBITS:

EXT.R1(a): A TRUE COPY OF THE LETTER DTD.11.3.2015 OF THE 1ST RESPONDENT ASSOCIATION FORMING AN ADMINISTRATIVE COMMITTEE TO CARRY ON THE DAY TO DAY AFFAIRS OF ROLLER SKATING IN ERNAKULAM DISTRICT.

EXT.R1(b): A TRUE COPY OF E-MAIL DTD.27.9.2013 ISSUED BY THE 1ST RESPONDENT ASSOCIATION TO THE PETITIONER ASSOCIATION, NOT TO CONDUCT DISTRICT CHAMPIONSHIP 2013 OR TO CONDUCT THE GENERAL BODY FOR CONDUCTING THE GENERAL ELECTION OF OFFICE BEARERS.

EXT.R1(c): A TRUE COPY OF THE JUDGMENT DTD.28.10.2014 IN WP(C) NO.27276/2013 OF THIS HON'BLE COURT.

EXT.R1(d): A TRUE COPY OF THE REPORT OF ERNAKULAM DISTRICT ROLLER SKATING CHAMPIONSHIP 2015 ALONG WITH LIST OF SKATERS WHO PARTICIPATED IN THE CHAMPIONSHIP CONDUCTED IN PURSUANCE TO EXT.P13 AND THE SELECTED TEAM MEMBERS REPRESENTING ERNAKULAM DISTRICT TO PARTICIPATE IN THE STATE CHAMPIONSHIP.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.27686/2015**  
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Dated this the 29th Day of October, 2015

J U D G M E N T

The writ petition is filed by the Ernakulam District Roller Skating Association for the following reliefs:

“(i) issue a writ of *mandamus* or such other writ, direction or order compelling the Ernakulam District Sports Council to restrain the 1st respondent and the *ad hoc* committee termed as 'administrative committee' from functioning in Ernakulam District in place of the petitioner association and to conduct any selection of District Teams for participation in the State Championship without being recognised by the Ernakulam District Sports Council or conducting the activities and responsibilities of the Ernakulam District Roller Skating Association.

(ii) declare that the Ernakulam District teams and players selected by the Petitioner-Association in the Ernakulam District Roller Skating Championship conducted pursuant to Exhibit P12 alone are entitled to participate in the State Roller Skating Championships 2015-16 to be conducted;

(iii) declare that Exhibits P9 and P10 are *void ab initio* and without jurisdiction;

(iv) issue such other direction or order as is deemed just and necessary in the facts, features and circumstances of the case.”

2. The petitioner-District Association is affiliated to the first respondent-Kerala Roller Skating Association. By Exhibit P9, the affiliation has been cancelled. Ext.P10 relates to constitution of an *ad hoc* committee on disaffiliation of the petitioner. Disaffiliation was challenged before this Court in W.P.(C).No.27276/2013. This Court, by judgment dated 28/10/2014 directed the petitioner to workout the issue relating to disaffiliation before the civil court, as affiliation and disaffiliation referable to the bylaws, have no public law element. However, permission was granted to the selected team of the District Association to take part in the State Level Championship considering that the State Level Championship has a public law colour, with a further direction that the right of the petitioner to hold championship for District Level will be subject to the decision of the competent civil court regarding disaffiliation.

3. The above judgment was affirmed in the appeal by the Division Bench in W.A.No.1581/2014 and connected case. In the appeal, the following observations were also made by the Division Bench:

“In so far as the State/District Association is empowered by the Statutory Regulations to make selection of the State and District teams, we are of the view that it has full power and jurisdiction to adopt its ways and methods. It is relevant to note that the *ad hoc* committee was constituted to form the Ernakulam District Roller Skating Championship to participate

in the State championship 2014. Purpose of the ad hoc committee has come to an end and hence no opinion need to be expressed with regard to the ad hoc committee, object and purpose of which have come to an end by efflux of time.”

4. The petitioner's main contention is that the constitution of the *ad hoc* committee by the first respondent is unsustainable in the light of the above observation of the Division Bench. It is further submitted that the District Level Championship has been held with an Observer appointed by the District Sports Council and therefore, the selected team has every right to take part in the State Level Championship.

5. The petitioner's case has been supported by the District Sports Council as well as by the additionally impleaded respondents, who claim that they have been selected by the petitioner at the District Level competition. The Kerala Sports Council also got impleaded in this matter. They question the power of the District Sports Council in deputing an Observer for the championship conducted by a disaffiliated District Association. The first respondent also submits that without recognition of the Kerala Sports Council any championship held at the District Level by an unauthorised Association has no legality.

6. In India, sports events are organised either based on the scheme of the Board/Association/Organisation engaged in sports event,

which may have certain monopolistic way of organising. The cricket is one such event. Therefore, when such organisation, monopolises particular event, there is a public element on account of pervasive control of a sports event in an organised way. The second category of the sports event are referable to the backing of statutory provisions. These statutory provisions recognise conduct of certain sports event. This is essentially for grant of aid as well as for support from the State. The statutory provisions prescribe the manner in which the Sports organisation are to be affiliated and the criteria for the recognition by the Authorities constituted under the Statute. The Kerala Sports Act is referable to the second category referred as above.

7. The Kerala Sports Act, 2000 was enacted to promote sports and games and to augment athletic efficiency in the State of Kerala. It set up hierarchy of Sports Organisation at a different level for promotion. The dispute in this writ petition is essentially referable to the Kerala Sports Act and the Rules framed thereon, as the petitioner asserted their right to hold the District Level Championship and the State Level Championship with respect to the statutory provisions. Therefore, the issues are examined in the light of the scheme of the Sports Acts and Rules.

8. Chapter V of the Kerala Sports Act prescribe the method of registration of Sports Organisation. It contemplates registration with the State Sports Council. The District Sports Association also requires to be recognised by the State Sports Council. Rule 56 of the Kerala Sports Rules provides terms and conditions for registration of the State Sports Organisation. It is relevant to point out Rule 56(i) which reads as follows:

“the Organisation is affiliated itself to the All India Federation/Association/Board for the concerned sports discipline before seeking registration with the State Sports Council.”

9. Rule 55 of the Kerala Sports Rules provides application and procedure for registration of Sports Association. It is relevant to point out proviso to Rule 55(1) which reads as follows:

“Provided further that for registering as State Sports Organisation with the State Sports Council, such State Sports Organisation shall have a minimum number of eight active district units and shall conduct district competition in those districts, and inter district competitions at State level, every year.”

10. The above provisions clearly earmark that the mandate of recognition based on hierarchical set-up of organisation vis-a-vis National Federation, State Federation and the District Unit. Therefore, it is clear that the law contemplates that a recognition for the District Sports Organisation

must have affiliation to the State Association and the State Association must have affiliation to the National Federation. It can be seen from clause iv(v) of Chapter III of the Grant-in-Aid Regulation, 2013 that the District Sports Council must show the affiliation with the State Sports Council for grant-in-aid extended by the Sports Council. In clause iv(vi) therein it is stipulated that there shall be only one recognised Association for each discipline of sports, irrespective of the fact that particular sports cater to youngsters, men, women or veterans.

11. The recognition of the District Association by the State Council is based on the affiliation to the State Association. Affiliation with the State Association is a pre-requisite for recognition. The Kerala Sports Council cannot recognise different Associations for one event in the State. The Council can only recognise one Association for one event. Therefore, the moment the State Association disaffiliates the District Association, the recognition granted to the District Association will be vanished as recognition is co-terminous with disaffiliation. It is to be noted that affiliation and disaffiliation with the State Association is purely a matter referable to the Bye-laws of the State Association. This Court has already held that it cannot be a subject matter of a writ jurisdiction as it has no public law element. Thus, holding a District Level Championship can only be based

on the decision of the competent civil court on disaffiliation. The petitioner cannot hold any championship at District Level. The District Sports Council could not have deputed an Observer for conduct of championship at District Level by a District Association which has been disaffiliated by the State Association. This would be against the scheme of the Sports Act and Rules. The conduct of District Association in such circumstances is deplorable as it acted against the mandate of the Sports Act and Rules.

12. The question relating to the constitution of an *ad hoc* committee need not be considered, as the petitioner has no recognition under law to raise a competing right with the State Association in terms of the Sports Act. The recognition under the Sports Act alone can give a cause of action to challenge any other activity in terms of Sports Act against another Sports Organisation. Since this Court has already taken the view that the petitioner-District Association has lost its recognition on account of its disaffiliation, the petitioner cannot raise any dispute within the Scheme of the Sports Act or Rules. If the petitioner has remedy elsewhere, petitioner is free to work out such remedy. Therefore, the rights of the petitioner can be restored only based on successful challenge against disaffiliation. Without there being any challenge, the petitioner cannot raise

W.P.(C).No.27686/2015

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any claim referable under the Sports Act and Rules. Thus, with liberty as above, the writ petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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