

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937**

**WP(C).No. 36770 of 2010 (U)**  
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**PETITIONER(S):**  
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**BODY BUILDING & FITNESS ASSOCIATION OF KERALA,  
REG. NO.731/09, URAKAM CENTRE, CHERPU,  
THRISSUR, REP. BY ITS SECRETARY T.V.PAULY.**

**BY ADV. SRI.SAIBY JOSE KIDANGOOR.**

**RESPONDENT(S):**  
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- 1. UNION OF INDIA, REP. BY THE SECRETARY,  
MINISTRY OF YOUTH AFFAIRS AND SPORTS,  
SHASTRI BHAVAN, NEW DELHI - 110 001.**
- 2. THE SECRETARY,  
KERALA STATES SPORTS COUNCIL, TRIVANDRUM - 695 001.**
- 3. THE SECRETARY,  
KERALA STATE BODY BUILDING ASSOCIATION,  
ALAPPUZHA - 688 001.**
- 4. INDIAN BODY BUILDING AND FITNESS FEDERATION,  
REG. NO.215/2009/10, B-38/8-6A,  
RAGHUNATH NAGAR, VARANASI P.O., 221 204,  
UTTAR PRADESH, REP. BY ITS SECRETARY.**

**R1 BY ADV. SRI.N.NAGARESH, ASSIST. S.G. OF INDIA.  
R2 BY ADV. PIRAPPANCODE V.S.SUDHEER, SC.  
ADV. SMT.P.K.RADHIKA.  
R4 BY ADV. SRI.R.AZAD BABU.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- EXT.P1 COPY OF THE LETTER DATED 25/10/2009 ADDRESSED TO THE  
2ND RESPONDENT ISSUED BY THE 4TH RESPONDENT.
- EXT.P2 COPY OF THE CERTIFICATE ISSUED BY THE 4TH RESPONDENT  
DATED 25/05/2010.
- EXT.P3 COPY OF THE REPRESENTATION BY THE PETITIONER TO THE  
SECOND RESPONDENT DATED 24/11/2010.

**RESPONDENT'S EXHIBITS:-**

- EXT.R3A COPY OF THE GAZETTE NOTIFICATION DATED 16/09/2009.
- EXT.R3B COPY OF THE LETTER DATED 06/08/2010 ISSUED BY THE  
GENERAL SECRETARY OF THE 3RD RESPONDENT TO THE  
2ND RESPONDENT.
- EXT.R3C COPY OF THE RESIGNATION LETTER DATED 17/04/2009 ISSUED  
BY G.S. NAIK TO THE 3RD RESPONDENT.
- EXT.R3D COPY OF THE UNDERTAKING DATED 27/07/2009 SUBMITTED BY  
DEFENDANT NO.1.

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**K. VINOD CHANDRAN, J.**

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**W.P.(C) No.36770 of 2010-U**  
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**Dated this the 14<sup>th</sup> day of July, 2015.**

**JUDGMENT**

The petitioner, an association, seeks to challenge the affiliation to the 3<sup>rd</sup> respondent and the grant-in-aid sanctioned by the 2<sup>nd</sup> respondent on the ground of the affiliation of the 3<sup>rd</sup> respondent with the 4<sup>th</sup> respondent, having been withdrawn by Ext.P1.

2. This Court neither had the benefit of hearing the counsel for the petitioner nor the counsel for any of the respondents, since none were present when the matter was taken up.

3. Having gone through the allegations in the writ petition and the Counter Affidavit, this Court is of the opinion that the claim made in the writ petition is not sustainable. Ext.P1, said to be issued by the 4<sup>th</sup> respondent, is one signed by one Mr.G.S. Nayak. The respondent has produced Ext.R3(c), by which the

said Mr.G.S. Nayak had retired from the 4<sup>th</sup> respondent on 17.04.2009. Ext.P1 is dated 25.10.2009 subsequent to that date.

In the context of the assertion of the 3<sup>rd</sup> respondent that no cancellation of its affiliation with the 4<sup>th</sup> respondent has been effected and the petitioner having not filed any reply to the Counter Affidavit, the writ petition is found to be devoid of any merit and the same is dismissed. No costs.

Sd/-  
**K. VINOD CHANDRAN,**  
**JUDGE**

sp