

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-03-2015

CORAM

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

WRIT APPEAL Nos.482 & 483 OF 2011

G.Venkatesh Appellant in both appeals

-vs-

1. Bridge Federation of India,
A Society registiered under
Societies Registration Act,1860,
through its President,
1-F Ammaiammal Street, Ayyavoo Colony,
Aminjikarai,
Chennai-600 029.
 2. Ministry of Youth Affairs and Sports,
Government of India,
through the Secretary, Dept.of Sports,
Room No.504-B-Wing, Shastri Bhavan,
New Delhi-110 001.
 3. Ministry of Home Affairs,
Government of India,
through its Secretary,
North Block, Central Secretariat,
New Delhi - 110 001.
 4. Ministry of Overseas Indian Affairs,
Government of India,
through its Secretary,
Akbar Bhavan, Chanakyapuri,
New Delhi-110 021.
- ... Respondents in both appeals.

For appellant : Mrs.Hema Sampath,
Senior Counsel,
for M/s.R.Meenal.

For respondent 1 : Mr.S.Sethuraman
For respondents
2 to 4 : Mr.SU.Srinivasan

Writ Appeals against the common order dated 09.03.2011 made in M.P.Nos.1 and 2 of 2011 in W.P.No.2559 of 2011, respectively, on the file of this Court.

Prayer in M.P.No.1 of 2011 in WP.No.2559/2011:

Petition to stay the operation of the impugned letter dated 23.12.2010 of respondent No.1 pending disposal of the Writ Petition No.2559 of 2011.

Prayer in M.P.2 of 2011 in WP.No.2559/2011:

Petition to direct the respondent No.1 to permit the petitioner to participate in the National Zonal Selection Trial to be held in April/May 2011 for the 2011 Bermuda Bowl event pending disposal of the Writ Petition No.2559 of 2011.

Prayer in WP.No.2559 of 2011:

Presented under 226 of the Constitution of India to issue to Certiorarified Mandamus calling for the records of Respondent No.1 relating to the letter dated 23.12.2010 quash the same and direct the 1st respondent to permit the petitioner to participate in the Selection Trial and International Bridge Tournaments as per the right granted to the petitioner by notification bearing No.S.O.542(E) dated 11/4/2005 issued by the 3rd Respondent under Section 7-B(1) of the Citizenship Act 1955.

Judgment reserved on : 18.02.2015

Judgment pronounced on : 09-03-2015

JUDGMENT

V.Dhanapalan, J.

These Appeals would arise against the interim order of a learned single Judge of this Court, passed in M.P.Nos.1 and 2 of 2011, in W.P.No.2559 of 2011, respectively.

2. The Writ Petition was one for issuance of a writ of certiorarified mandamus, calling for the records of the first respondent relating to its letter, dated 23.12.2010, quash the same and direct the first respondent to permit the petitioner to participate in the Selection Trials and International Bridge Tournaments as per the rights granted to the petitioner by Notification bearing No.S.O.542 (E), dated 11.04.2005, issued by the third respondent under Section 7-B(1) of the Citizenship Act, 1955.

3. The case of the appellant before the writ court was that he is an Overseas Citizen of India in terms of Section 7-A of the Citizenship Act, 1955, since February, 2006. He, having had been born in Chennai and being an Indian, and having completed his degree course in Madras, has become a naturalized citizen of United States in 1996 and is also registered as Overseas Citizen of India with certain rights. He, being a member of the first respondent/Federation and is stated to be an internationally acclaimed Bridge player, has formed a team, which consists of Indian Citizens by spending his own amount for sponsoring the team to participate in the National Championships and Tournaments and that his team has represented in the international tournaments. Also, after acquiring Overseas Citizen of India status in February, 2006, till 2010, he has been allowed by the first respondent to participate in the International and National Championships and Tournaments and also to participate in the National Selection Trials held in 2007, 2008 and 2009 and his team has won various medals. He also would state that the first respondent has been taking steps to decide about the eligibility or players who could contest selection trials for the 2011 Bermuda Bowl. He had to decide on his participation in the Summer Nationals, a National Qualifying Event to be held in Aurangabad in March, 2011, for selection trials, and when he was in India, he wrote to the first respondent to permit him to participate, for which the impugned letter has been received from the first respondent.

4. By the impugned letter, dated 23.12.2010, the first respondent informed the appellant that they would not be able to consider his request for the team to be selected for international events based on his performance in the national qualifying events in view of the Sports Ministry's circulars, dated 26.12.2008 and 12.03.2009. By the said letter, it was also clarified that the appellant's status as OCI did not preclude him from participating in the National events, and that if his team qualified for the selection trial, his presence on the team would disqualify the team.

5. Pending the Writ Petition, the appellant had also filed M.P.Nos.1 and 2 of 2011; of which, M.P.No.1 of 2011 was for interim stay of operation of the letter, dated 23.12.2010, of the first respondent; and M.P.No.2 of 2011 for a direction to the first respondent to permit the appellant to participate in the National/Zonal Selection Trials to be held in April/May, 2011, for the 2011 Bermuda Bowl event.

6. The above miscellaneous petitions were dismissed by the learned single Judge, stating that the petitioner/appellant was not entitled to the interim reliefs claimed. Hence, these Writ Appeals.

7. Along with these appeals, the appellant also filed M.P.No.1 of 2011 in W.A.No.482 of 2011 for interim stay of the operation of the letter of the first respondent, dated 23.12.2010; and M.P.No.1 of

2011 in W.A.No.483 of 2011 for an interim direction to the first respondent to permit him to participate in the Selection trials to be held in April 2011 for the 2011 International events viz., Zonal and Bermuda Bowl World Championship, pending disposal of the appeals.

8. We have heard the learned counsel for the parties and also gone through the records.

9. On 22.03.2011, this Court, while admitting the Writ Appeals, granted the interim reliefs in M.P.Nos.1 and 1 of 2011, as sought for by the appellant, without any conditions and observations. By the grant of the said reliefs, the appellant was permitted by the first respondent to participate in the selection trials for the 2011 Bermuda Bowl Bridge Championship and his grievance was redressed, and, therefore, nothing survives for consideration in these Writ Appeals and they have become fructuous.

10. Coming to M.P.No.1 of 2014 in W.A.No.483 of 2011, the prayer is for a direction to the first respondent to permit the petitioner/appellant to participate in the 2015 Bermuda Bowl Bridge Championship due to be held in Chennai from 26.09.2015 to 10.10.2015.

11. In the above regard, it is to be stated that when the reliefs sought for in the Writ Appeals have become infructuous, the miscellaneous petition in M.P.No.1 of 2014, which is for a different relief and unconnected to the one of the writ appeal, cannot be clubbed with the appeal when the writ petition is very much alive before the single Judge, and the same has to be decided by the writ court under Article 226 of the Constitution, but not this court under Clause 15 of the Letters Patent. In other words, the appellant, without exhausting the remedy before the writ court, has approached this appellate court directly, which approach, in our considered opinion, is not entertainable, the reason being that the cause of action in the miscellaneous petition is alien and irrelevant to the appeals, which are filed against the interim orders. Therefore, it is open for the petitioner/appellant to file a similar petition before the writ court, in which event, we, considering the importance and urgency in the matter, request the said court to dispose of the miscellaneous petition as well as the Writ Petition, as expeditiously as possible, preferably within a period of one month.

12. Writ Appeals are disposed of accordingly. No costs. Consequently, the connected M.P.Nos.1 of 2011 and 1 of 2014 are closed.

-s/d-

Assistant Registrar(CO)

Dt:9/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Secretary,
Dept.of Sports,
Ministry of Youth Affairs and Sports,
Government of India,
Room No.504-B-Wing, Shastri Bhavan,
New Delhi-110 001.

2. The Secretary,
Ministry of Home Affairs,
Government of India,
North Block, Central Secretariat,
New Delhi - 110 001.

3. The Secretary,
Ministry of Overseas Indian Affairs,
Government of India,
Akbar Bhavan, Chanakyapuri,
New Delhi-110 021.

+ 1 cc to Mr.S.Sethuraman, Advocate SR 13110

+ 4 ccs to M/s.R.Meenal, Advocate SR 13167

+ 2 ccs to M/s.SU.Srinivasan, Advocate SR 13229

W.A.Nos.482 & 483/2011

सत्यमेव जयते

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