

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1410 of 2015

ORDER:

The case of the petitioners is that the fifth respondent is a society registered under the Societies Registration Act and was the apex Sports Association for the erstwhile State of Andhra Pradesh. It controls the entire sports activities in the States of Telangana and Andhra Pradesh and performs a public duty and is therefore, amenable to the jurisdiction of this Court under Article 226 of the Constitution of India. At district level there are District Olympic Associations for each district. All the Sports Associations at the district level and state level have to be recognized by the A.P. Olympic Association (for short, 'the APOA') as well as District Olympic Association. All the sports and games activities of the State Associations, affiliated to APOA, are funded by respective Governments through Sports Authorities. The State of Andhra Pradesh was bifurcated and a new State known as Telangana has been constituted with effect from 02.06.2014 and thus, there are two states viz., Telangana and the residuary State of Andhra Pradesh where all the sports activities are under the control of APOA, being the apex Sports Body. The office bearers of APOA are elected by electorate, which comprises of President, Secretary and Treasurer of the District Olympic Association. As per para 13 of the Constitution of APOA, the term of office of the Executive Committee shall be for a period of four years. The last elections were held on 21.06.2009 and the term has expired on 20.06.2013. Since, bifurcation of Andhra Pradesh State had taken place on 02.06.2014, APOA should also be bifurcated and there should be a separate Telangana State Olympic Association with effect from 02.06.2014 and the existing APOA shall be the Olympic Association for the residuary State of Andhra Pradesh. For conducting elections, fifth

respondent has to take steps by dividing the District Olympics Association between two states, which are clearly demarcated in the A.P. Reorganization Act, 2014. All the state level sports associations, affiliated to APOA, have already been divided and new bodies have been formed separately for both the States of Andhra Pradesh and Telangana. The fifth respondent has to issue election notice for both the States. However, the same has not been done. Not holding of elections since 20.06.2013 is arbitrary and illegal. The fifth respondent has to conduct elections to constitute the new executive committee, which is due from 20.06.2013. However, for reasons best known to the fifth respondent for not conducting the elections.'

In the counter filed by the fifth respondent, it was stated that the action is taken as per A.P. Reorganization Act, 2014, but only due to the interim orders granted in C.R.P. M.P. No.2477/2013 in C.R.P. No.1843/2013 action could not be initiated. The said C.R.P. was disposed of and the fifth respondent has received the copy of the order in the said C.R.P. on 27.01.2015 and the petitioner has immediately, without giving breathing time to the fifth respondent, filed the present Writ Petition.

In fact, the counter says that there is no lapse on the part of the fifth respondent. The fifth respondent has admitted the averments of the petition in the affidavit and in fact sought a direction for conducting of elections and also for holding General Body Meeting as per Clauses 8, 9 and 11 and to conduct elections to Two State Olympic Associations i.e., Telangana State Olympic Association and residuary Andhra Pradesh State Olympic Association in terms of Clauses 12, 18 and 19 of the APOA Constitution.

Having regard to the facts and circumstances and averments in the counter affidavit, this Writ Petition is disposed of with a direction to the fifth respondent to hold elections as per Clauses 12, 18 and 19 of the

APOA Constitution and also in accordance with law.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

Date: 05.02.2015
MVA

A.RAJASHEKER REDDY, J