

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION Nos. 40408 and 40415 of 2015

BETWEEN

Telangana Olympic Association,
Rep. by its General Secretary.

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 1412.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |
| - | |
| - | |

COMMON ORDER:

The prayer of the petitioners in these writ petitions is as follows:

“For the reasons mentioned above, it is humbly prayed that this Hon’ble Court may be pleased to issue the appropriate Writ order, or directions preferably, a writ of mandamus, declaring that the inaction of the respondents authorities and kindly be directed the

4th respondent to allow the petitioner's association President and General Secretary or their representative to attend in the Annual General Body meeting to be held on 23.12.2015 at Gowahati, State of Assam, as the Andhra Pradesh Olympic Association is an affiliated member since 1961, consequently, kindly be permitted the petitioner's association to attend in all future meetings to be conducted by the Indian Olympic Association, until disposal of the application, dated 22.04.2015 made by the petitioner's association for seeking the affiliation and recognition of the newly constituted Telangana Olympic Association and newly elected office bearers for the period of 2015 to 2019 for a term of 4 years, and be declared the said elections were conducted as per the direction in WP No.1410 of 2015 dated 05.02.2015, representation made by the petitioner's association, as per the clause IV of the Indian Olympic Association, during pendency of the W.P. and to pass such other order or orders as deem fit and proper under the circumstances of the case."

2. The case of the petitioners is that an Annual General Meeting of the Indian Olympic Association, fourth respondent, is proposed to be held on 23.12.2015 at Gowahati, State of Assam. Petitioners state that though the fourth respondent had sent notices of the said Meeting to all affiliated units, petitioners being the Andhra Pradesh Olympic Association (Residuary) and the Telangana Olympic Association have not yet been issued any such notice. Questioning the action of the fourth respondent in proposing to conduct the Annual General Meeting of the fourth respondent without notice to the petitioners as illegal and contrary to the Memorandum of Rules and Regulations of the fourth respondent, they have approached this Court by these writ petitions. Copy of the Regulations is produced at page 40 of the material papers.

3. Learned counsel for the petitioners contend that under Regulation III(v) all the State Olympic Associations are eligible to the membership of the fourth respondent and that admittedly no notice having been issued to either of the petitioners for conducting of the said meeting, petitioners seek relief to that extent and is also aggrieved by the inaction of the respondents in not permitting the respective petitioners to attend the said Meeting.

4. Though I have heard learned counsel for the petitioners, at length, I am unable to see any legal right of either of the petitioners being infringed as would be evident from paragraphs 2 and 3 of the petitioners' affidavit itself. For the sake of convenience, paragraphs 2 and 3 in W.P.No.40408 of 2015 are extracted hereunder:

"2. I submit that the Andhra Pradesh Olympic Association (Residuary) constituted from Andhra Pradesh Olympic Association, registered under Society Registration Act, 1860 vide registration No.175/1961 which is affiliated with the India Olympic Association since 1961 onwards. The Andhra Pradesh Olympic Association bifurcated into two state Olympic Associations as per the Re-organization Act, 2014, according to the directions of this Hon'ble Court in Writ Petition No.1410/2015, dated 05.02.2015. the Andhra Pradesh Olympic Association (Residuary) constituted, its new office bearers declared on 19.04.2015, this Hon'ble Court directed the then General Secretary of AP Olympic Association Sri K.Jagadishwar Yadav bifurcate the two states and conduct the elections, accordingly, two states Olympic Associations constituted i.e., Andhra Pradesh Olympic Association (Residuary) and Telangana Olympic Association.

3. I submit that the Executive Committee of AP Olympic Association appointed Sri D.S.R.Varma, Former Hon'ble Justice of A.P., Allahabad and Uttar Pradesh, as returning officer conducted the elections as per the Article 18 and 19 of the AP Olympic Association constitution and declared the elections on 19.04.2015. The report submitted the same to the Indian Olympic Association by the then General secretary of Andhra Pradesh and declared the election, as per the Clause IV of the Indian Olympic Association constitution made the application on 22.04.2015 for seeking the affiliation and recognition to the new states Olympic Associations, for newly elected office bearers for the period of four years i.e., 2015 to 2019 which is still pending with the Indian Olympic Association."

5. Evidently, the Andhra Pradesh Olympic Association, which was the parent body, was bifurcated into two separate State Olympic Associations viz., Andhra Pradesh Olympic Association (Residuary) and Telangana Olympic Association. It appears that the elections were held for the said Association on 19.04.2015 and the respective applications of each petitioner dated 22.04.2015 are stated to be pending before the fourth respondent for affiliation and recognition and no orders are as yet passed by the fourth respondent. Since both the petitioners are neither affiliated nor recognized as members of the fourth respondent obviously they are not entitled to any notice of any Annual General Meeting and, therefore, I do not see any legal right of the petitioners to seek Mandamus as prayed for.

Hence, the writ petitions are dismissed. As a sequel the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 14, 2015

Note:
Furnish copy by 15.12.2015.
{B/o}
LMV