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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No.3499/2013

CHESS ASSOCIATION OF INDIA

..... Petitioner

Through: Mrs. Rekha Palli, Sr. Adv. with Mrs.
Punam Singh, Ms. Ankita Patnaik and
Ms. Shruti Munjal, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Ajay Digpaul, CGSC for R-1.
Mr. Rohit Dutta for Ms. Shalini Kaul,
Adv. for R-2.
Ms. Komal Aggarwal for Mr. Anil
Mittal, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.01.2016**

1. The petition impugns the letters/orders dated 5th July, 2011 and 7th December, 2011 of the respondent no.1 Ministry of Youth Affairs & Sports (MYAS), Government of India. The letter dated 5th July, 2011 is addressed by the respondent no.1 MYAS, not to the petitioner, but to the Indian Golf Union *inter alia* stating that only a recognised National Sports Federation (NSF) is entitled to use the expression “of India” or “Indian” in its title or in any athletic competition controlled by it. The other letter dated 7th December, 2011 impugned in this petition is also not addressed to the petitioner but is addressed to the Pune Chess Association and to Karnataka State Chess Association *inter alia* asking the said Associations to inform the petitioner that the petitioner should desist from using the word “India” from its letterhead.

2. Though the said two letters are on other aspects also but the senior counsel for the petitioner clarifies that the challenge to these letters is confined to the objection to the use of the word “India” in the name of the petitioner, a Society registered under the Societies Registration Act, 1860 as applicable to Uttar Pradesh (UP).

3. Notice of the petition was issued and reply has been filed by the respondent no.1 MYAS. Since the filing of the petition, All India Chess Federation (AICF), the recognised NSF in the game of chess and the Registrar of Firms, Societies & Chits, Lucknow have also been impleaded as parties.

4. On 17th April, 2015 it was the contention of the counsel for the respondent no.2 AICF that AICF has filed a suit against the petitioner in the High Court of Madras *inter alia* to restrain the petitioner from using the word “India” as part of its name/description and in which suit vide order dated 3rd March, 2015 the petitioner has been enjoined from using the word “India”; on the basis thereof it was contended that this petition has become infructuous.

5. The senior counsel for the petitioner, on instructions, without prejudice to the rights and contentions of the petitioner and without giving up any of the pleas as taken in this petition or as may be open to the petitioner, withdraws this petition with liberty to contest the suit aforesaid filed by the respondent no.2 AICF including on the ground that the respondent no.1 MYAS and the respondent no.3 The Registrar of Firms Societies & Chits, Lucknow also have not issued any directive to the petitioner not to use the word “India” as part of its name.

6. The counsels for the respondents have no objection.
 7. The petition is dismissed as withdrawn with liberty aforesaid to the petitioner.
- No costs.

RAJIV SAHAI ENDLAW, J

JANUARY 11, 2016
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