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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4611/2016 & CM APPLs. 19206-19207/2016

ANDHRA PRADESH TAEKWONDO

ASSOCIATION (APTA) AND ANR.

..... Petitioners

Through: Mr. Atul Singh, Advocate.

versus

INDIAN OLYMPIC ASSOCIATION AND ORS. Respondents

Through: Mr. Bhupesh Narula, Advocate with

Ms. Anshu Vachher, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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18.05.2016

Matter has been listed today after a special mentioning being allowed by the Division Bench after lunch.

CM Appl. 19206/2016 (exemption) in W.P.(C) 4611/2016

Allowed, subject to just exceptions.

W.P.(C) 4611/2016 & CM Appl. 19206/2016

The present writ petition has been filed challenging the order dated 06th May, 2016 passed by the Court Commissioner, Mr. Justice (Retd.) R.S. Sodhi. Petitioner further seeks a direction that names of petitioner No.2 and Mr. B.S.S. Prasad Kumar, Secretary of petitioner No.1 be included in the list of electoral college.

It has been averred in the petition that respondent No. 2 had earlier filed a writ petition being WP(C) 2753/2016 and the same was disposed of vide order dated 30th March, 2016 whereby Justice (Retd.) R.S. Sodhi was appointed to finalise the electoral college for the election of the respondent No.1-Indian Olympic Association.

It has been further averred that the names of petitioner No.2 and Mr. B.S.S. Prasad Kumar, Secretary of petitioner No.1 were included in the list of electoral college as decided by the learned Court Commissioner vide his order dated 04th May, 2016. It is, however, stated that the learned Court Commissioner has *suo motu* amended the order dated 04th May, 2016 and deleted name of petitioner No. 2 and the Secretary of petitioner No. 1 by the impugned order.

Learned counsel for the petitioners states that without any representation, learned Court Commissioner could not have amended his earlier order dated 04th May, 2016. He further states that the impugned order has been passed without giving any opportunity of hearing to the petitioners and therefore, the same is in violation of principles of natural justice.

Keeping in view the allegations of principles of natural justice and lack of jurisdiction to *suo motu* amend the order dated 04th May, 2016, this Court in accordance with the concept of a post-decisional hearing gives liberty to the petitioners to file an application for recall of the impugned order dated 06th May, 2016. In the event, such an application is filed by tomorrow at 10:00 A.M., the Court Commissioner is directed to decide the same as expeditiously as possible.

With the observations and directions, the present writ petition and application stand disposed of.

Order dasti under the signature of the Court Master.

A copy of this order is directed to be communicated to the Court Commissioner as well as respondents No.3 and 4 by learned counsel for the petitioner.

MANMOHAN, J

MAY 18, 2016

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