

\$~17.

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

+ W.P.(C) No.12157/2015 & CM No.32304/2015 (for interim relief).

U.P. NETBALL ASSOCIATION Petitioner

Through: Mr. Pradeep Kumar Arya, Mr.
Narinder Chaudhry, Mr. Pankaj Singh
and Mr. Raj Karan Sharma, Advs.

versus

UNION OF INDIA & ORS Respondents

Through: Ms. Monika Arora, CGSC with Mr.
Harsh Ahuja, Advs. for UOI.
Mr. Ashish Upadhyay, Adv. for R-
2&3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

22.03.2016

1. The petition seeks a mandamus to the respondent no.2 Netball Federation of India (Regd.) to recognise the office bearers of the petitioner declared elected by the Observer appointed by this Court vide order dated 31st July, 2014 in W.P.(C) No.7919/2013 earlier filed by the petitioner.
2. Notice of the petition was issued and counter affidavit has been filed by the respondents no.2&3. The respondent no.3 is the Secretary of the respondent no.2 Federation.
3. The respondent no.2 Federation, owing to refusal to recognise the elected office bearers of the petitioner, is dealing with the State of Uttar Pradesh (UP) through an *ad hoc* Committee appointed by the respondent no.2 Federation.

4. The counsel for the respondents no.2&3 states that the respondent no.2 is not recognising the office bearers elected in the aforesaid election because the said election was not in accordance with the petitioner's own Constitution and was not in accordance with the Guidelines issued by the Ministry of Youth Affairs and Sports of the respondent no.1 Union of India (UOI). However he is unable to show which of the Guidelines have been violated and what is the right of the respondent no.2 Federation under its own Constitution in this regard.

5. I have further enquired from the counsel for the respondents no.2&3 whether anybody from UP has challenged the election aforesaid.

6. The counsel for the respondents no.2&3 draws attention to page 206-209 of the paper book being complaints made by one Mr. Amit Teotia and one Mr. Praveen Kumar with the Observer aforesaid appointed by this Court. On further enquiry, it is informed that no action was taken in pursuance to the said complaints.

7. In the absence of any authority vested in the respondent no.2 Federation in this regard, it cannot act as the Arbiter to decide the validity of the election. If at all any person has a grievance with respect to the election held as aforesaid, the respondent no.2 Federation ought to have directed that person to challenge the election by filing an appropriate proceeding. The respondent no.2 Federation cannot be permitted to perpetuate *ad hoc* management of affairs of the constituent unit of UP through its own *ad hoc* Committee when under orders of this Court an election has been held. Without the respondent no.2 showing any right to become a Judge to adjudge whether the elections are valid or not, due effect has to be given to

the election held under orders of this Court and under the supervision of an Observer appointed by this Court and to which order the respondent no.2 was also a consenting party.

8. The petition is thus allowed.

9. The respondents no.2&3 are directed to recognise the office bearers of the petitioner declared elected in the election held in terms of order dated 31st July, 2014 of this Court.

No costs.

RAJIV SAHAI ENDLAW, J

MARCH 22, 2016

‘pp’..