

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Reserved on 19.11.2018****Order Delivered on 22.11.2018****WPC No. 3113 of 2018**

1. Koushiki Khakharia D/o Dr. Anil Khakharia, Aged About 17 Years R/o C-80/2, Devendra Nagar, Raipur, District Raipur Chhattisgarh, (Through Guardian Dr. Anil Khakharia, S/o Premji Bhai Khakharia, R/o C-80/2, Devendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. Chhattisgarh Table Tennis Association Through President, Sharad Shukla, Beside Deshbandhu School Building, Station Road, Raipur, District Raipur Chhattisgarh.
2. Secretary Table Tennis Association, Beside Deshbandhu School Building, Station Road, Raipur, District Raipur Chhattisgarh.
3. State Of Chhattisgarh Through Secretary, Department Of Sports And Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	Ms. Koushiki Khakharia (in person)
For Respondent No.1 &2	Shri Sunil Otwani, Advocate.
For Respondent/State	Shri Anand Dadariya, Govt. Adv.

C A V Order**By****Prashant Kumar Mishra, J.**

1. Petitioner, aged about 17 years, acting through her guardian/father Dr. Anil Khakharia, has prayed for quashment of the impugned order (Annexure P-1) whereby she has been prohibited from participating in any tournament organized by the Chhattisgarh Table Tennis Association (for short 'the CTTA') and its affiliated District Associations. The petitioner has also prayed for a direction to set aside the ban imposed on her parents to enter into the participation area.
2. After hearing the petitioner in person, Shri Sunil Otwani, learned counsel for the respondents No.1 & 2 and Shri Anand Dadariya, Government Advocate for the State, it is evident that on 8th and 9th September, 2018, a tournament was organised at NTPC Community Hall, Seepat, Bilaspur, by the name 'First Chhattisgarh State Ranking Table Tennis Tournament' during which the petitioner was playing a match against Tuheena Banerjee on 08.09.2018. The petitioner appears to have raised objection against her opponent that she is playing with a bat having black rubber, however, the complaint was found incorrect by the main Referee Shri Premraj Jachak. Petitioner, thereafter, made another complaint against her opponent which was found correct and her opponent was directed to change her bat, which she complied with the permission of referee. On this the petitioner used disrespectful words to Shri Abhinav Sharma, an International Umpire by saying '*I will slap you*'. Her parents also behaved indecently. The said Abhinav Sharma made a complaint to the CTTA. To examine the said complaint, 5 member committee was constituted and the petitioner was noticed vide document Annexure R-1/1 filed collectively by the respondent, however, the petitioner did not accept the

notice. Based on the report of the committee, the CTTA passed the impugned order. Against the behaviour of the petitioner and her parents a complaint was made by the members of the CTTA and other District Associations with the Seepat Police, which is filed at page-14 of the return. The Executive Committee of the CTTA has also approved the report of the Committee as contained in the document available at page-21 of the return. On an earlier occasion also a complaint was made to the Superintendent of Police, Sarguja when the petitioner and her parents misbehaved during the tournament at Ambikapur on 12.08.2017, documents relating to which is Annexure R-1/2.

3. The petitioner has rebutted the allegation saying that she or her parents have never misbehaved with anyone, but it is the Office bearers of the CTTA who are acting against the interest of the petitioner for the reason that her father has earlier made complaints against the CTTA.
4. The writ petition raises disputed questions on facts, which cannot be gone into. The law on this is settled by the Supreme Court in **Subhashree Das Alias Milli Vs State of Orissa and others (2012) 9 SCC 729**.
5. Accordingly, the writ petition is dismissed as not maintainable. However, the petitioner would be at liberty to approach the jurisdictional judicial forum in accordance with law.

Sd/-

Judge
Prashant Kumar Mishra

Gowri