

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Ms.JUSTICE P.T.ASHA

W.P. No.16690 of 2017

and W.M.P.Nos.18070,18071 and 27915 of 2017

A.C.Thangavelu

.. Petitioner

-vs-

- 1.The Union of India
Rep. by its Secretary,
Govt, Ministry of Youth Affairs and
Sports, Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi 110 001.
- 2.The Sports Authority of india,
Rep. by its Secretary,
SAI Head Office, Jawaharlal Nehru
Stadium Complex (East Gate),
Lodhi Road, New Delhi 110003.
- 3.The Amateur Kabadi Federation of
India, Rep. by its Secretary,
No.33, Bhriugu Nagar, 2nd Floor,
(Opp.Geholt's Bungalow),
Ajmer Road, Jaipur-302 021.
- 4.The State of Tamil Nadu,
Rep. by its Secretary, The Ministry
of Youth Welfare and Sports,
Fort St. George, Chennai 600 009.
- 5.Sports Development Authority of
Tamil Nadu, Rep. by its Secretary,
No.116, Nehru Stadium, EVR Periyar
High Road, Chennai 600 084.
- 6.The Tamil Nadu Amateur Kabadi Assn.,
Rep. by its Secretary, Thirupur.

7.N.K.K.P.Sathyan
8.Anbazhagan
9.Saffullah
10.The District Collector,
Erode District.
(R-10 suo motu impleaded as per
order dt.4.7.2017 in WP.16690/2017)

11.P.Muthumani
12.V.Murugan
13.R.Kannan
14.R.Jaikkumar
15.V.Sivakumar
16.S.S.Kalidoss
17.C.Murugan
18.T.Sarath Kumar
(RR11 to 18 impleaded as per order
of Court dt.11.06.2018 in WMP.36333/2017)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 6 to make all the District Amateur Kabadi Associations in the State of Tamil Nadu as Societies registered under the Tamil Nadu Societies Registration Act, 1975 and not to allow any unregistered associations to continue as the affiliated District Kabadi Associations under the 6th respondent.

For Petitioner : Mr.R.Srinivas

For Respondents : Mr.B.Rabu Manohar
Sr.CGPC, for R-1
: Mr.G.Karthikeyan
Asst. Solicitor Genl. for RR 2 & 3
: Mr.E.Manoharan
Addl.G.P. for RR 4 & 10
: Mr.I.Sathish for R-5
: Mr.A.Gunaseelan for RR 6 & 9
: Mr.N.Manokaran for R-7
: Mr.J.Chandransundar Sasikumar
for R-8
: Mr.G.Vijayakumar
for RR 11 to 18

O R D E R

(Made by Ms.Indira Banerjee, Chief Justice)

This writ petition has been filed in public interest seeking directions on respondent nos.1 to 6 to make all the District Amateur Kabadi Associations in the State of Tamil Nadu as societies registered under the Tamil Nadu Societies Registration Act, 1975 and not to allow any unregistered associations to continue as the affiliated District Kabadi Associations under the 6th respondent.

2.A preliminary objection has been taken to the writ petition on the ground that Section 4 of the Tamil Nadu Societies Registration Act, 1975, which provides for compulsory registration of certain societies, expressly excludes any society which has for its object promotion of athletics or sports (including indoor games).

3.We have gone through the by-laws of the Tamil Nadu State Amateur Kabadi Association. The by-laws do not restrict membership of the society only to registered Kabadi associations. On behalf of the petitioner, it is submitted that in the absence of any provision requiring registration of societies, there are no measures to regulate the functioning of these associations.

4.Unfortunately, in proceedings under Article 226 of the Constitution of India, the Courts might interfere where there is patent illegality. The Courts might also interfere for enforcement of a legal right. On the face of the averments, there is no illegality in not restricting membership to registered societies. Nor does the petitioner have any legal right to insist on restriction of membership only to registered societies.

5.If, as argued, there are any irregularities and/or malpractices by reason of absence of regulations regulating unregistered Kabadi associations, it is for the State Amateur Kabadi Association to frame rules and regulations to regulate its affiliate associations.

6.The writ petition is disposed of by granting liberty to the petitioner to approach the State Amateur Kabadi Association / to make a representation to the Sports Development Authority of State of Tamil Nadu to consider framing rules to regulate membership of the District Amateur Kabadi Association. No costs. Consequently, W.M.P.Nos.18070, 18071 and 27915 of 2017 are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sra

To

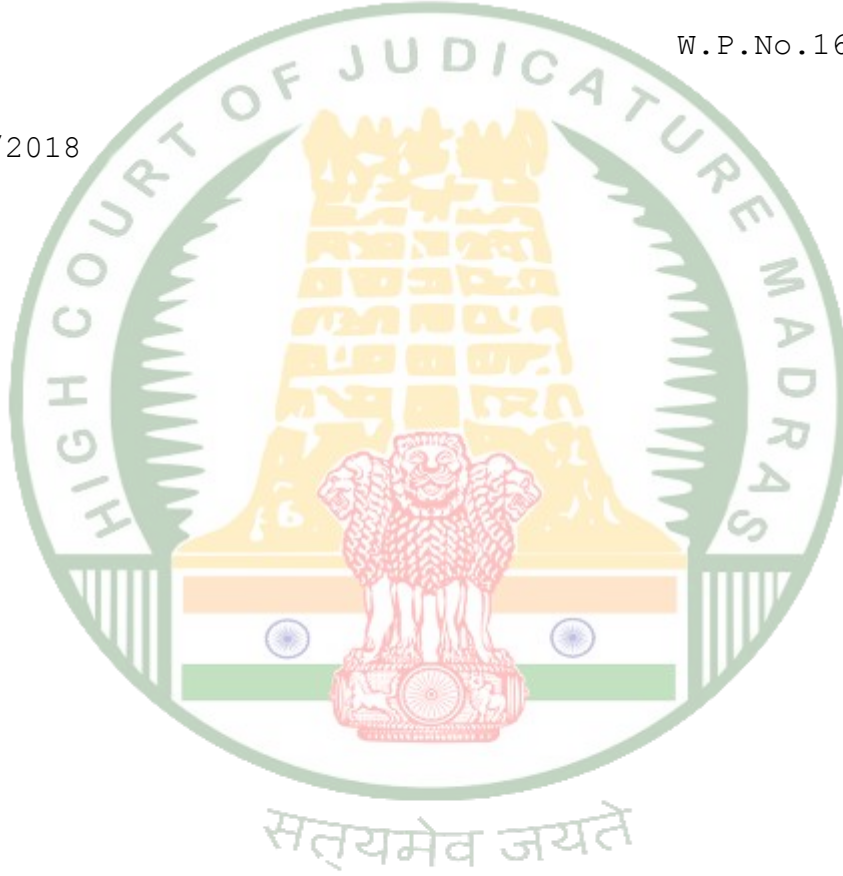
- 1.The Secretary to Union of India
Ministry of Youth Affairs and
Sports, Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi 110 001.
- 2.The Secretary,
Sports Authority of India,
SAI Head Office, Jawaharlal Nehru
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- 4.The Secretary,
The State of Tamil Nadu,
The Ministry
of Youth Welfare and Sports,
Fort St. George, Chennai 600 009.

5.The District Collector,
Erode District.

+1cc to Mr.B.Rabu Manohar, Advocate Sr.36340
+1cc to N.Manokaran, Advocate Sr.36390
+1cc to M/S.R.Srinivas, Advocate Sr.36345
+2cc to Mr.N.Vinayakamoorthy, Advocate Sr.36296
+1cc to Mr.G.Karthikeyan, Advocate Sr.36544

W.P.No.16690 of 2017

srg 09/07/2018



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