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

Date of Decision: 01st October, 2018

+ LPA 556/2018 & CM APPLs. 40457-60/2018

S.K. TEWARI

..... Appellant

Through: Mr. Anunaya Mehta with Mr. Akshay
Deep Singhal, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Monika Arora, CGSC for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

RAJENDRA MENON, CHIEF JUSTICE (Oral)

CM Nos.40457/2018 & 40459/2018 (both for exemption)

Allowed, subject to just exceptions.

Both the applications stand disposed of.

LPA No.556/2018 & CM Nos.40458/2018 & 40460/2018

1. Seeking exception to an order dated 03.05.2018 passed by the learned writ court in W.P.(C) No. 9032/2014 relegating the appellant to take recourse to the remedy of approaching the Madras High Court where one writ petition, at the instance of the appellant being W.P.(C) No.15254/2011 is pending, the writ petition was disposed of; this appeal has been filed

under Clause 10 of the Letters Patent.

2. The grievance of the appellant is that respondent No.2/All India Chess Federation (AICF) is being provided grant-in-aid by the Union of India despite the fact that it has not been conferred with the legal status of a voluntary registered organization. The learned writ court found that a writ petition at the instance of the appellant is pending in the Madras High Court and after adverting to certain factual aspects of the matter in its discretion, the learned writ court found that the dispute before the writ court has certain issues which are overlapping and after taking note of various factors in Para 11 dealt with the issue in the following manner:

“11. A combined reading of the aforesaid documents, i.e., the order of the Inspector General of Registration, Chennai, GO Rt. No. 513 and ground ‘H’ taken in the writ petition would show that much would turn on whether or not the Madras High Court was to grant relief to the petitioner herein. As is evident from the aforesaid extracts and the stand of respondent No. 2 that the bye-laws filed in 2005 will be tested in those proceedings. What emanates from the extracts, which have been culled out is that amendment to bye-laws has been allowed which prima facie establishes that bye-laws are on record. The petitioner before this Court disputes this aspect of the matter. Clearly, in my view, this Court having co-equal jurisdiction ought not to entertain this writ petition as there is possibility of a potential conflict. Therefore, in my view, apart from anything else, the more convenient forum for the petitioner would be the Madras High Court. Needless to say, I have not touched upon the aspect pertaining to locus and the merits of the case set up by the petitioner in this case.”

3. In Para 12 the learned writ court closed the proceeding with liberty to the appellant to file its action before the Madras High Court. Even though

appellant has vehemently argued that the issue before the Madras High Court is entirely different and this Court can very well deal with the matter, however, we are of the considered view by various reasons as are indicated in the order, the learned writ court having exercised its discretionary jurisdiction in the matter, we see no reason to make any indulgence into the matter. The discretion exercised by the learned writ court refusing to exercise discretion cannot be termed as perverse or erroneous to such an extent that at this stage indulgence into the matter is called for.

4. Accordingly, finding no ground, the appeal is dismissed. The pending applications also stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 01, 2018

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