

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (L) NO. 29346 OF 2019

The Poona District Amateur
Athletics Association (PDAA) ... Petitioner

V/s.

Athletics Federation of India ... Respondent

Mr. Prashant More for the Petitioner.

**CORAM: S.C.DHARMADHIKARI,&
R.I.CHAGLA, J.J.
DATED : 19/11/2019**

P.C.

1. We have heard Mr. Prashant More, appearing for the Petitioner.

2. Having perused the petition and the annexures thereto, we are not in a position to grant any reliefs, particularly to direct Respondent No.1 to accept and allow the entry and participation of the Athletes, whose names are listed in the Exh.D to the petition, in the Milo National Level Inter District Junior Athletic Meet, 2019, scheduled to be held at Tirupati between 23.11.2019 to 25.11.2019.

3. Mr. Prashant More would persuade us to issue prerogative writs to the Respondents, but we do not think that on disputed facts, we can do so.

4. How the Petitioner is entitled to choose the Athletes for forwarding their names, how they can move the second Respondent and therefore, the first Respondent must allow the participation is a matter which we cannot decide. The Petitioner has alleged in the Writ Petition itself that it is a Trust. The Petitioner says that parallel to their meet on 02.10.2019, another District Level Meet was conducted at Shree Chhatrapati Sports Complex, Balewadi by a self proclaimed body, which represented the public at large that the sole body is empowered to send their Athletes for a meet. To our mind, the basic facts in this dispute that which is the representative body and duly authorised and who has usurped that authority by approaching the Assistant Charity Commissioner would have to be established and proved by leading oral and documentary evidence. We do not think that when there is a pending change report and all issues in relation thereto can be raised before the Competent Authority

under the Maharashtra Public Trust Act, 1950 that we should entertain a Writ Petition. There are serious disputed questions of fact and which have to be resolved by approaching the competent authority. The Maharashtra Public Trust Act, 1950 enacts the complete, total and efficacious mechanism for resolving such factual disputes. In the face of the same, this Writ Petition is not maintainable and therefore, it is dismissed.

(R.I.CHAGLA,J.)

(S.C.DHARMADHIKARI, J.)