

THE HON'BLE ACTING CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT APPEAL Nos.389 and 390 of 2019

COMMON JUDGMENT: *(Per Hon'ble Dr.Justice Shameem Akther)*

Since these two writ appeals are interrelated and arise out of a common order, they are being taken up together and disposed of by way of this common judgment.

2. These appeals, under Clause 15 of Letter Patents Act, are filed aggrieved by the common order dated 15.03.2019 passed by a learned Single Judge of this Court in Writ Petition Nos.29212 of 2018 and 1529 of 2019.

3. The appellant in these two appeals is the petitioner in the writ petitions and respondents 1 and 3 to 6 herein are respondents 1 to 5 in W.P.No.29212 of 2018 and respondents 1 to 9 herein are respondents 1 to 9 in W.P.No.1529 of 2019.

4. The facts in brief, leading to filing of these appeals, are that W.P (C) No. 4601 of 2013 and CM No.14524 of 2017 was filed in the Hon'ble High Court of Delhi challenging the control exercised by respondent No.4 and his wife-respondent No.5 therein over the affairs of Amateur Kabaddi Federation of India (for short 'AKFI') and the amendments effected at the instance of 4th respondent therein in the Memorandum of Association (for short 'MOA') and constitution of AKFI including 5th respondent to be nominated as President and sought for quashing of the

elections to various posts of AKFI held on 19.5.2013 and appointing Returning Officer for conducting elections. Further relief was also sought for cancellation of affiliation to AKFI and for a direction to conduct enquiry into the affairs of AKFI through independent investigating agency. The Hon'ble High Court of Delhi allowed the writ petition on 03.08.2018 and struck down certain clauses of MOA; appointment of 4th respondent as Life President and the election of 5th respondent as President. Appointed Sri Sanat Kaul, IAS (Retd) as Administrator who was asked to take over control of AKFI and administer its affairs and ensure that electoral college of AKFI is prepared and elections held in accordance with model guidelines within three months. The Hon'ble High Court at Delhi directed the body elected to carry out amendments to MOA to bring it in conformity with the NSCI. The High Court fixed time limit of six months to complete the entire exercise. Aggrieved thereby, SLP (C) No. 23830 of 2018 was filed and the said SLP was dismissed by Hon'ble Supreme Court on 31.08.2018. However, the Hon'ble Apex Court granted 12 weeks time to the Administrator to hold elections from that date. In terms thereof, election process was set in motion. Thereafter, the impugned notice dated 25.01.2019 was issued by the Administrator fixing the date of holding elections as 15.02.2019. Therefore, Writ Petition No.1529 of 2019 was filed questioning the impugned notice dated 25.01.2019. Writ Petition No.29212 of 2018 was filed to direct the respondents 5 to 7 to consider the application dated 11.07.2018 made by Senior Vice President and another

application dated 11.07.2018 made by Honorary Secretary, Telangana Kabaddi Association by issuing affiliation and recognition and also direct the respondents to allow the Sub-Junior, Junior and Senior Kabaddi teams in the national tournaments conducted by the AKFI sent by the petitioner association. The learned Single Judge while observing that since the impugned notice dated 25.10.2019 was issued by the Administrator in compliance of the directions of the Hon'ble High Court of Delhi and affirmed by the Hon'ble Supreme Court with time limit to complete the election process, staying the said notice would amount to violating the direction of Hon'ble High Court of Delhi as confirmed by the Hon'ble Supreme Court and accordingly, dismissed the Writ Petition No.1529 of 2019. With regard to Writ Petition No.29212 of 2018, the learned Single Judge observed that as the grievance in this writ petition was to accord recognition and affiliation to the then Executive Body of the State Association, on account of subsequent developments, no directions can be granted in Writ Petition No.29212 of 2018 and accordingly dismissed the same. Hence, these Writ Appeals.

5. Heard both sides and perused the record.

6. Learned counsel for the appellant would submit that the impugned common order dated 15.03.2019 passed in both the writ petitions is contrary to law and facts and circumstances of the case. The impugned notice dated 25.01.2019 issued by the Administrator fixing the date of elections on 15.02.2019 is

erroneous and ultimately prayed to set aside the same. Learned counsel further contended that the respondents be directed to consider the representation dated 30.03.2019.

7. On the other hand, learned counsel for respondents had supported the impugned common order dated 15.03.2019 and contended that the said order was passed basing on the judgment delivered by the Hon'ble High Court of Delhi in W.P. (C) No.4601 of 2013 and C.M.No.14524 of 2017 on 03.08.2018 and confirmed by the Hon'ble Apex Court in SLP (C) No.23830 of 2018 on 31.08.2018. There is no infirmity or illegality in the impugned common order and ultimately prayed to dismiss the appeals.

8. In view of the submissions made by both sides, the point for determination is:

“Whether the impugned common order dated 15.03.2019 passed in Writ Petition Nos.29212 of 2018 and 1529 of 2019 by the learned Single Judge is liable to be set aside?”

9. POINT: In view of the submissions made by both parties, it is relevant to state that the learned Single Judge after an elaborate analysis, observed that the Administrator has made finer distinction on both issues and ordered conducting of elections within time schedule, de-linking the representation of State Association in AKFI elections from conducting of elections to the State Association. The learned Single Judge further

observed that the prayer in Writ Petition No.1529 of 2019 is confined to praying to suspend the notice dated 25.01.2019 till completion of one month as ordered by the Administrator on 18.01.2019 to conduct elections to State Association. The notice dated 25.01.2019 was issued by the Administrator in compliance of the directions of Hon'ble High Court of Delhi and affirmed by the Hon'ble Supreme Court with time limit to complete the election process. The learned Single Judge further observed that staying the said notice would amount to violating the directions of Hon'ble High Court of Delhi as confirmed by the Hon'ble Supreme Court. Observing as above, the learned Single Judge dismissed the Writ Petition No.1529 of 2019. With regard to Writ Petition No.29212 of 2018, the learned Single Judge observed that on account of subsequent developments, no directions can be granted in Writ Petition No.29212 of 2018 and accordingly dismissed the same.

10. It is pertinent to state that the Administrator was appointed and directed to conduct the elections vide order dated 03.08.2018 passed in W.P.(C) No.4601 of 2013 and C.M.No.14524 of 2017 by the Hon'ble High Court of Delhi. The said order was confirmed by the Hon'ble Apex Court vide order dated 31.08.2018 in S.L.P (C) No.23830 of 2018. It is also relevant to state that the learned Single Judge while dealing with the writ petitions had gone to the extent of stating that any interference in the conduct of elections would amount to invalidating the direction of the Hon'ble High Court of Delhi as

confirmed by the Hon'ble Supreme Court. When there is a direction to the Administrator to conduct the elections to the State Kabaddi Association vide impugned notice dated 25.01.2019 in terms of the judgment of the Hon'ble High Court of Delhi and the Hon'ble Apex Court, the learned Single Judge is justified in dismissing the Writ Petition No.1529 of 2019. Learned Single Judge is also justified in observing that in view of the subsequent developments such as election of the Executive Body to the State Kabaddi Association, no directions can be granted in Writ Petition No.29212 of 2018. It is needless to state that the duly elected Executive Body of the State Kabaddi Association would take up the cause of sending the Junior, Sub-Junior and Senior players to participate in National Kabaddi matches. So, no direction can be given as prayed for by the appellant to act upon the representation dated 11.07.2018 to the Amateur Kabaddi Federation of India. No infirmity, illegality or perversity is found in the impugned common order passed by the learned single Judge in subject writ petitions.

11. In the result, both the Writ Appeals are devoid of merits and are accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 17.06.2019
grk/scs