

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.21385 of 2019

ORDER:

The present writ petition is filed to declare the action of the respondents in particular the 2nd respondent in not allowing the office bearers to take charge of the petitioner association, who are claimed to be duly elected as office bearers of the petitioner-association at the elections held on 24.06.2018 for the period from 2018-2022 and continuing the 3rd respondent-Adhoc Committee beyond the period of elections, as being illegal and arbitrary and consequently to direct the 3rd respondent to allow the elected office bearers for the period 2018-2022 to perform the duties as per the bye-laws.

Heard Sri G. Madhusudhan Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Sports appearing for 1st respondent, Sri N.S. Arjun Kumar, learned counsel for 2nd respondent-Fencing Association of India, Sri Pochaiah Dorishetti, learned counsel for 4th respondent-Sports Authority of Telangana State and Sri N. Rajeshwar Rao, Assistant Solicitor General, appearing for 5th respondent-Central Government.

The facts of the case are that the petitioner association is a registered body affiliated to the 2nd respondent. The 2nd respondent, basing on the recommendation of the disciplinary committee, by its office order dated 16.06.2018 dissolved the

petitioner's association and constituted the Ad-hoc Committee and also authorised the President of the 2nd respondent to nominate members of Adhoc Committee. The said order also mentions the names of the members of the Ad-hoc Committee constituted by the President of the 2nd respondent. The office order further states that the said Ad-hoc Committee will administer the affairs and functioning of the of the petitioner's association and to conduct selection trials for participation in various National Fencing Championships and fencing activities from time to time at Telangana State till the fresh elections of the petitioner association are held.

It is urged by the Counsel for the petitioner that subsequent to the above order having been issued by the 2nd respondent, the Ad-hoc Committee had started functioning and elections of the office bearers of the petitioner association for term of four years i.e., from 2018 to 2022 were held thereafter on 24.06.2018. It is claimed by the petitioner that the elections of the petitioner association were held by giving intimation to the 2nd respondent on 18.05.2018, the 2nd respondent did not send any observer and the elections were held on 24.06.2018 at 11:00 a.m. under the Chairmanship of Sri V. Yadagiri, Vice President of the association and the office bearers of the association are duly elected. It is claimed that the said elected body is not being allowed to function by the

Ad-hoc Committee appointed by the 2nd respondent, is the grievance of the petitioner.

The said contention urged on behalf of the petitioner would fail the scrutiny of this Court for the reason that the intimation of election stated to have been given as mentioned in para-7 of the affidavit is dated 18.05.2019, while the petitioner association was dissolved by the 2nd respondent by its office order dated 16.06.2018, which is a subsequent event. Though the petitioner's claims that the elections were held on 24.06.2018 i.e., within eight days of the date of dissolution, it is not the case of the petitioner that after the dissolution of the petitioner's association and placing the same under the control of the Ad-hoc Committee appointed by the 2nd respondent, the Ad-hoc Committee had taken steps to hold elections or the petitioner through its members have chosen to hold elections by giving due intimation to the 2nd respondent after Ad-hoc Committee is put in-charge of affairs of the petitioner association. Reliance placed by the petitioner's association on the communication dated 18.05.2018 in relation to the proposed election would be of no significance on account of the subsequent development which resulted in the 2nd respondent dissolving the petitioner's association having regard to the various allegations that have been taken note of. Thus, if any valid election is to be held, it can only be after the affairs of the petitioner's association having been placed in the hands of the Ad-hoc Committee

appointed by the 2nd respondent. No material has been placed before this Court to indicate that any such effort has been made by the petitioner nor it can be claimed to be so, as it is the contention of the petitioner that the office bearers have been duly elected on 24.06.2018. If the said claim of the petitioner is correct and to be accepted, nothing prevented the petitioner's association through its elected body to approach the 2nd respondent by intimating the outcome of election and seeking for revocation of the office order by which the petitioner association was dissolved and placed in the hands of Ad-hoc Committee, inasmuch as it is only the 2nd respondent who can validly take note of the election of the governing body and also revoke its office order. The petitioner instead of approaching the 2nd respondent to recognize the elected body, for the reasons best known has approached this Court seeking relief to direct the Ad-hoc Committee to handover the affairs to the petitioner, which relief in the considered view of this Court is totally misplaced for the reasons recorded above.

Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 12.11.2019
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