

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.27782 of 2019

ORDER:

The present writ petition has been filed questioning the inaction of respondents in not considering the representation of the petitioner dated 20.11.2019 thereby allowing the elected office bearers dated 24.06.2018 for the period from 2018–2022 for the Telangana Fencing Association and continuing the respondent No.3-Adhoc Committee beyond the period of elections and to declare the same as arbitrary and illegal and contrary to the proceedings FA1/2018-19/130, dated 16.06.2018 and in violation of the Constitution of Telangana Fencing Association and also violative of Articles 14 and 16 of the Constitution of India.

2. Heard learned counsel for the petitioner, Sri K.Arvind Kumar, counsel for respondent No.1, Sri N.S.Arjun Kumar, learned Standing Counsel for R.2, Sri B.Jayakar, learned Government Pleader for Sports for respondents 3 and 4 and Sri D.Pochaiah, learned counsel for respondent No.5.

3. It is the case of the petitioner, that petitioner association gave a notice by E-Mail on 18.05.2018 to the second respondent informing that election to the petitioner association would be held on 24.06.2018 and sought for deputing an observer at such election. It is the claim of the petitioner association that, as the second respondent did not send any observer as requested, the petitioner association went ahead with the election on 24.06.2018, whereat the office bearers to the said association were elected. It is the further claim of the petitioner association that despite the office bearers having been elected at the meeting/election on 24.06.2018, the second respondent authority is continuing to manage the

affairs of the petitioner's association through third respondent-Adhoc Committee appointed by it on 18.06.2018 and is not taking any steps to restore/hand over the association to the elected body and also not considering the representation made by the petitioner on 20.11.2019.

4. A counter affidavit on behalf of second respondent is filed. In the said counter affidavit it is stated that since the petitioner association under the existing body of office bearers, particularly the General Secretary was conducting the selections as per his whims and several allegations cropped up, the second respondent chose to dissolve the said body on 18.06.2018 and placed the affairs of the petitioner association by constituting an Adhoc Committee to administer the functions of the Telangana Fencing Association till the same is reconstituted/fresh elections are held as per the bye-laws of the Fencing Association of India. It is further stated in the counter affidavit that the elections called for by the petitioner by its E-Mail, dated 18.05.2018, and the alleged elections held on 24.06.2018 i.e., eight days after the body has been dissolved by the second respondent is not valid.

5. Learned counsel appearing for the second respondent by drawing attention of this Court to paragraph 10 of the counter affidavit would submit that subsequently Annual General Body Meeting of Telangana Fencing Association was held on 29.09.2019 at M.L.R Institute of Technology, Dundigul, Hyderabad, whereat amicable resolution of disputes/litigations amongst various factions in Telangana under the Adhoc Committee was arrived at and elections were also held whereat the observer sent by the second respondent was present. Upon such elections being held, provisional affiliation was granted by the Fencing Association of India to Telangana Fencing Association, Telangana State

subject to confirmation in the Annual General Body Meeting of Fencing Association of India. It is stated that subsequently in the Annual General Body meeting of Fencing Association of India the provisional affiliation of Telangana Fencing Association has been confirmed.

6. As evident from the averments made in the counter affidavit filed on behalf of second respondent that election has been held under the supervision of observer appointed by the second respondent on 29.09.2019 to the Telangana Fencing Association whereat new body of the Telangana Fencing Association has been elected, the grievance of the petitioner in the present writ petition that the representation of the petitioner dated 20.11.2019 is pending consideration by the second respondent without passing any orders thereon, would be no consequence since elections were held much prior to the representation and if the petitioner is aggrieved by the said action of the second respondent calling for and holding election, the petitioner ought to have challenged the holding of such election instead of seeking consideration of representation made.

7. Having regard to the above, the writ petition is without merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:10.02.2020
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