

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.324 OF 2015

ALL GOA KARATE DO ASSOCIATION
through its President Mr. Anthony
Menezes, major, son of late Mr Aleixo Joao
Menezes, with its registered Office at
H.No.36, Naikavaddo, Calanugute, Bardez,
Goa.

... Petitioner.

Versus.

1. UNION OF INDIA,
through the Ministry of Sports & Youth
Affairs, Shastri Bhavan,
New Delhi – 110 001.

2. THE SPORTS AUTHORITY OF
INDIA,
Through its Executive Director,
Myles High Building, Patto Plaza Panaji,
Goa

3. ALL INDIA KARATE DO
FEDERATION,
Through Its President B-5, Radha, Vihar,
New Sanganer Road,
Jaipur, 302019, Rajasthan

4. KARATE ASSOCIATION OF INDIA

Through its President 3, 1st Main Road,
Gandhi Nagar Adyar, Chennai, 600020,
Tamil Nadu.

5. TRADITIONAL KARATE
ASSOCIATION OF GOA

Through its General Secretary H-6,
Madhuban Complex, Tamdi Mati Panaji,
Goa , 403002

..... Respondents.

Mr. Nigel Da Costa Frias, Advocate *for the Petitioner.*

Mr. Y.V. Nadkarni, Advocate *for Respondent No. 5.*

**CORAM: M. S. SONAK AND
R.N. LADDHA, JJ.**

DATE : 31st January 2022

ORAL JUDGMENT:- (Per M.S. Sonak, J.)

1. Heard Mr. Nigel Da Costa Frias for the Petitioner and
Mr. Y.V. Nadkarni for Respondent No. 5.

2. The Petitioner has instituted the present Petition,
seeking the following reliefs :

*“(A) For a writ of prohibition or a writ in the nature of
prohibition or any other appropriate writ, order or*

direction thereby directing the Respondent no.2 to refrain from granting recognition to the respondent no.5 and/or derecognizing the petitioner.

B) For an appropriate writ, order or direction thereby quashing the affiliation granted to the respondent no. 5 by the respondent no.4 dated 20/2/15.

C) That pending the hearing and final disposal of this petition the respondent no.2 may be restrained by an interim order from granting recognition to the respondent no.5 and/or derecognizing the petitioner.

CC) For an appropriate writ, order or direction thereby quashing the recognition granted to the respondent o. 4 by the respondent no.1 dated 12/2/2014.”

3. In this Petition, the Petitioner has basically raised three grievances. (a) Concerning the recognition granted to Respondent No.4 by the Respondent No.1 (Union of India). The relief concerning this grievance is sought for in prayer clause (CC). (b) Concerning the recognition granted by Respondent No.4-Karate Association of India (KAI) to Respondent No.5-Traditional Karate Association of Goa. The relief in this regard is to be found in prayer clause (B) of this Petition. (c) The issue of proposed recognition by Respondent No.2-The Sports Authority of Goa

(SAG) to Respondent No.5. The relief in this regard is to be found in prayer clauses (A) and (C).

4. In so far as the first grievance in regard to which the relief has been applied for in prayer clause (CC) is concerned, Mr. Costa Frias, learned Counsel for the Petitioner has placed on record a communication dated 16th June, 2020, addressed by the Union of India to the President/General Secretary, Karate Association of India. This communication states that the concerned Ministry of the Union of India has considered the report regarding elections to the office bearers of KAI held on 8/1/2019 and upon examination, it was found that such elections were not in accordance with the Model Election Guidelines prescribed in the Nationals Sports Development Code of India (NSDCI), 2011. Accordingly, it appears that a decision was also taken that KAI may hold fresh elections as per the provisions of the Sports Code and subsequently, the KAI may also amend its Memorandum of Association to bring it in line with the provisions of the Sports Code.

5. Mr. Costa Frias has also placed on record extract from the website of the Ministry of Youth Affairs & Sports, containing list of recognized National Sports Federation for the year 2019. Mr. Costa Frias pointed out that in so far as sports of Karate is concerned, with reference to Karate, there is an endorsement that the elections were held on 8.1.2019 and the matter is still under examination.

6. Based on the aforesaid, we are satisfied that the Union of India is seized with the issue and, therefore, there is no occasion for us to grant any relief in terms of the prayer clause (CC) of the Petition. In any case, we find that the challenge in the context of the elections held in the year 2014-15, based upon such election, the term of the office bearers has already expired. Thereafter, possibly, there were several other elections, including the election held on 8/1/2019 that are being examined by the Union of India. Accordingly, we are satisfied that the relief in terms of prayer clause (CC) is rendered infructuous, at this stage and, in any case, a larger issue is being examined by the Union of India.

7. In so far as the second grievance about recognition/affiliation granted to Respondent No.5 by Respondent No.4 vide Communication dated 20/02/2015 is concerned, again, we think that even this relief is rendered infructuous because, the prayer concerns the issue of recognition for the year 2015-16. Further, this grievance is also linked with the grievance in respect of which prayer clause (CC) was made. Since even the relief in terms of this prayer clause (CC) has been rendered infructuous, it is obvious that the relief in terms of prayer clause (B) is also rendered infructuous, at this stage.

8. In so far as the third grievance is concerned, Mr. Nadkarni, learned Counsel for Respondent No.5 has pointed out that this Court, by its order dated 5th August, 2015 in Writ Petition No. 545/2015 had directed Respondent No.2-SAG to consider the grievance raised by both, the Petitioner as well as Respondent No.5 and take a decision on the grant of recognition. Mr. Nadkarni pointed out that the Respondent No.2-SAG, after hearing both the parties, on 5/12/2016 granted a provisional recognition to Respondent No.5. He pointed out that such a provisional recognition was granted/renewed for all subsequent

years, until 9/11/2021. He, however submitted that in the year 2020, there was no formal recognition on account of COVID pandemic. He submitted that final recognition has been granted to Respondent No.5 on 9/11/2021. Mr. Nadkarni submitted that none of the recognition orders since the year 2016, have been challenged and, therefore, the reliefs in terms of prayer clauses (A) and (C) are also rendered infructuous or, in any case, may not be granted at this stage.

9. The records indeed bear out that by order dated 5/8/2015, we had directed the Respondent No2-SAG to decide the issue of recognition, after hearing the both, the Petitioner as well as Respondent No.5. In pursuance of our directions, Respondent No.2-SAG ultimately, granted provisional recognition to Respondent No.5 and, thereafter, has granted the final recognition on 9/11/2021. Neither the provisional recognition, nor the final recognition have been challenged in this Petition. Accordingly, the reliefs in terms of prayer clauses (A) and (C), have been rendered infructuous. Accordingly, we dispose of this Writ Petition as infructuous, without going into the rival contentions of the parties, on merits.

10. The Petition is accordingly disposed of. Rule disposed of in the aforesaid terms.

R.N. LADDHA, J.

M. S. SONAK, J.