



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NOs. 17424 & 13262 of 2021 and
W.M.P.Nos.18498 & 14070 of 2021

R. B. Ramakrishnan

.....Petitioner(in W.P.No.17424 of 2021)

1. Indian Silambam Federation (Reg No.52/1997)
Rep by its Zonal Secretary,
K.G. Murali Krishna,
D-6-1, All India Services Flats, Natesan Nagar (west),
Virugambakka, Chennai-600 092, Tamil Nadu,
Authorised by its President
Dr. M.Rajendran IAS.
2. Tamil Nadu Silambattam Association (Reg No.232/1980)
Rep by its General Secretary,
K.G. Murali Krishna,
AJ-11, 2nd Street, Shanthi Colony,
Anna Nagar, Chennai-600 040, Tamil Nadu.
....Petitioners(in W.P.No.13262 of 2021)

Vs

1. The Secretary,
Ministry of Youth Affairs and Sports,
Department of Sports, Government of India,
Room No:3, C-Wing, Shastri Bhawan,
New Delhi-110 001.
2. The Under Secretary,
Ministry of Youth Affairs and Sports,
Department of Sports, Government of India,
Room No:3, C-Wing, Shastri Bhawan,
New Delhi-110 001.
3. The Deputy Secretary,
Ministry of Youth Affairs and Sports,
Department of Sports, Government of India,
Room No:3, C-Wing, Shastri Bhawan,
New Delhi-110 001.



WEB COPY

4. The General Secretary, Mrs. Irin Selvaraj,
All India Silambam Federation,
No.14/117, Inam Chettikulam,
Rajapalayam, Tamilnadu, Pin:626 117.
... R1 to R4 in WP.17424 & 13267/2021
5. The President,
All India Silambam Federation,
No.14/117, Inam Chettikulam,
Rajapalayam, Tamilnadu,
Pin:626 117. ... R5 in WP.13262/2021
6. Mr. P. Selvaraj, Founder,
All India Silambam Federation,
No.14/117, Inam Chettikulam,
Rajapalayam, Tamilnadu, Pin:626 117.
..R6 in WP.13262 of 2021
7. The Member Secretary,
Sports Development Authority to Tamilnadu,
Nehru Stadium Campus, Periamet,
Chennai-600 003.
...R7 in W.P.No.13262 of 2021
... R6 in WP.17424/2021
- 8.P.Selvaraj, Founder,
All India Silambam Fedaration,
No.14/117, Inam Chettikulam Rajapalayam,
Tamilnadu Pin 626 117. ... R5 in WP.17424/2021

PRAYER IN W.P.NO.17424 of 2021 :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter F.No.9-8/2018-SP-1/SP-III, Government of India, Ministry of Youth Affairs & Sports, Department of Sports, Shastri Bhavan, New Delhi, dated 11.03.2021 issued by the 3rd respondent and quash the same in so far as granting recognition to the 4th respondent to conduct the national level Regional Game of Silambam and consequently directing the respondents 1 to 3, to recognise any one of the eligible Association/federations to conduct Tournaments.

PRAYER IN W.P.NO.13262 of 2021 :

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter F.No.9-8/2018-SP-1/SP-III, Government of India, Ministry of Youth Affairs & Sports, Department of Sports, Shastri Bhavan, New Delhi, dated



11.03.2021 issued by the 3rd respondent and quash the same in so far as granting recognition to the 4th respondent to conduct the national level Regional Game of Silambam and consequently directing the respondents 1 to 3, to recognise the petitioner Association viz., Indian Silambam Federation to conduct Tournaments to conduct Tournaments.

WP.17424 of 2021:

For Petitioner : U.Karunakaran

For Respondents : M/s.R.Prasath ACGSC for R1 to R3
M/s.G.Bala & Daisy for R4
Mr.K.Azhaguraman For R6

WP.13262 of 2021:

For petitioner : Mr. U. Karunakaran

For Respondents : Mr. V. Thillaisamy for R1 to R3
: Mr. G. Bala & Daisy for R4
: Mr. Azhaguraman for R6
: Mr. D. Santhosh Kumar for R7

C O M M O N O R D E R

W.P.No.17424 of 2021 is filed seeking the relief of quashment of the impugned letter dated 11.03.2021, issued by the 3rd respondent and a direction to the 4th respondent to conduct the national level Regional Game of Silambam and a consequent direction to the respondents 1 to 3 to recognize the petitioner association to conduct tournaments, in W.P.No.13262 of 2021, in addition to the above relief, prayer has been made for direction to the the respondents 1 to 3 to recognise any one of the eligible Association/federations to conduct Tournaments.

2. It is the case of the petitioners that the certificates issued by the 4th respondent/defunct association, not being recognized as the achievement certificates in the field of education and employment, being not recognized by SDAT and the said association being declared as a defunct association, has been granted recognition for conducting national level Regional game of Silambam, by the 3rd respondent/the Deputy Secretary, Ministry of Youth Affairs and Sports vide impugned order dated 11.03.2021. Aggrieved by the same, the present petitions have been filed seeking the relief of quashment of the impugned order.



3. Learned counsel for the petitioner submits that insofar as the 4th respondent society is concerned, the society is declared as defunct society as per the criteria fixed by the National Development Sports Authority of India. Further, as per relevant rules, the legal status of the petitioner as a voluntary registered body, its sole purpose is towards the development of sports and as per clause 3 of the letter of the Ministry of Youth Affairs & Sports dated 11.3.2021, the registered society alone is entitled to get recognition. However, in the present case, 4th respondent society which is declared as a defunct society vide Tamil Nadu Government Gazette Notification No.21 dated 23.05.2018, has been granted recognition and the same is not sustainable being contrary to the aforesaid clause.

4. Learned counsel appearing for the 4th respondent fairly submitted that though the 4th respondent society was declared as defunct society, immediately thereafter the petitioner made an application in terms of Section 44 of the Tamil Nadu Societies Registration Act, for removal of society from its defunct status. However, he fairly conceded that till date no removal order was passed and the status of the society has not been reviewed. However, the 4th respondent society is actively functioning in the field of the Sports activities and its functioning has also been recognized. Further, the recognition of the 4th respondent society is fully satisfied in terms of clause 3 of the letter of the Ministry of Youth Affairs & Sports dated 11.3.2021. It is the further stand of the 4th respondent that equally the petitioner society is also a defunct society which was declared as defunct society vide notification dated 15.05.2019 and the petitioner is also not entitled to get recognition.

5. In view of the contentions and counter contentions advanced, learned counsel for the petitioners submit that this Court may permit the petitioner to make a fresh application after removal of the 4th respondent society from the recognition granted to the said society.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. The grievance of the petitioner is that the petitioner was granted recognition by the National Sports Development authority. Admittedly, the petitioner society as



well as the 4th respondent society are defunct societies. However, the claim of the petitioner is that the petitioner society is claimed to be defunct only insofar as northern part of Tamil Nadu is concerned, but it is actively functioning in respect of southern part of Tamil Nadu as well as in the central part of Tamil Nadu. It is the case of the petitioners that the 4th respondent society is a wholly defunct society insofar as the State of Tamil Nadu is concerned. Though the petitioners claim that the petitioner society is actively functioning in Tamil Nadu, but the fact remains that both the petitioner society as well as the 4th respondent society are declared defunct as per gazette notification dated 15.05.2019.

8. In the above backdrop, it is to be pointed out that it is not the case of the official respondents that the petitioner society is not functioning in Tamil Nadu. Though the fact remains that as per the gazette notification, the petitioner society is declared to be a defunct society, yet the functioning of the petitioner society is not disputed by the official respondents. An erroneous notification by the 3rd respondent declaring the petitioner society as defunct society cannot be allowed to survive in the wake of the petitioner society being actively engaged in promoting sports activities in Tamil Nadu, more so, when its active participation in sports development activities is not disputed by the official respondents.

9. It is also to be pointed out that the 4th respondent society has been declared as defunct society vide the aforesaid gazette notification. It is also the submission of the learned counsel for the 4th respondent that the 4th respondent has filed necessary application for reviewing the order passed by the official respondents declaring the 4th respondent society as a defunct society on which no orders have been passed by the officials. The said fact is also not disputed by the officials.

10. In view of the facts as narrated above, when the 4th respondent society, as on date, is a declared defunct society, in the absence of recognition by the appropriate authority, permitting the 4th respondent to conduct national level regional sports activity in Silambam is wholly erroneous and illegal. Therefore, the impugned order passed by the 3rd respondent permitting the 4th respondent society to conduct national level regional sports activities in Silambam is wholly unsustainable and the impugned order is liable to be set aside.



4. The General Secretary, Mrs. Irin Selvaraj,
All India Silambam Federation,
No.14/117, Inam Chettikulam,
Rajapalayam, Tamilnadu, Pin:626 117.

WEB COPY

5. The Member Secretary,
Sports Development Authority of Tamilnadu,
Nehru Stadium Campus Periamet,
Chennai 600 003.

6. The Zonal Secretary,
Indian Silambam Federation (Reg No.52/1997)
K.G. Murali Krishna,
D-6-1, All India Services Flats, Natesan Nagar (west),
Virugambakka, Chennai-600 092, Tamil Nadu,
Authorised by its President
Dr. M.Rajendran IAS.

7. The General Secretary,
Tamil Nadu Silambattam Association (Reg No.232/1980)
K.G. Murali Krishna,
AJ011, 2nd Street, Shanthi Colony,
Anna Nagar, Chennai-600 040,
Tamil Nadu.

+2cc to Mr.K.Azhaguraman, Advocate SR.No.5389
+1cc to Mr.U.Karunakaran, Advocate SR.No.5329

W.P.NOs. 17424 &
13262 of 2021

SPD (CO)
GN (01/04/2022)