



WEB COPY



W.A.No.2266 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2022

CORAM :

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE N.MALA**

**W.A.No.2266 of 2022
and C.M.P.No.17275 of 2022**

Volleyball Federation of India
Rep.by its Secretary General
Anil Choudhary, Room No. 72
Jawaharlal Nehru Stadium
Chennai 600003

... Appellant

-Vs-

1. Tamil Nadu State Volleyball
Association Room No.3 Jawaharlal Nehru
Stadium Periamet Chennai 03 Rep. by its
General Secretary
2. Secretary to Government
Ministry of Youth Affairs and Sports
Government of India Sasthri Bhavan New
Delhi 110 001
3. Member Secretary
Sports Development Authority of Tamil Nadu
SDAT Head Office, Jawaharlal Nehru Stadium
Periamet, Chennai 600 003.
4. Secretary to Government
Principal Secretary, Sports Welfare and
Cultural Activities Department, government
of Gujarat, Sachivalaya, Gandhi Nagar



W.A.No.2266 of 2022

WEB COPY

5.Tamil Nadu State Olympic Association
Rep.by its Secretary. Room No.78
Jawaharlal Nehru Stadium, Periamet
Chennai 600 003.

6.The General Secretary
Gujarat Olympic Association
Nirmal Complex, Parimal Garden
Ahmedabad, Gujarat.

7.Mr.P.Balachandran
Chairman, Selection Committee
Appointed by VFI, Income Tax Officer
Office of the Chief Commissioner of
Income Tax, Aayakar Bhavan,
Nungambakkam, Chennai 600 034.

... Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent against the order
in W.P.No.22545 of 2022 dated 30.09.2022.

For Appellant : Mr.P.V.Balasubramanian for M/s.BFS Legal

For Respondents : Mr.S.Thankasivan – for R1

No appearance – for R2, R3, R5,R6 & R7

Mr.P.Muthukumar,

State Government Pleader

Assisted by Mrs.R.Anitha, Special Govt.Pleader

-for R4



WEB COPY



W.A.No.2266 of 2022

J U D G M E N T

(Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**)

Heard the learned counsel for the appearing parties.

2. The case on hand pertains to participation of men and women teams representing the State of Tamil Nadu in Volleyball and Beach Volleyball events in the 36th National Games 2022 at Gujarat. The appellant herein, namely Volleyball Federation of India (VFI) is the apex body in the country representing this game. Tamil Nadu State Volleyball Association (TNSVA), a body registered under the provisions of the Tamil Nadu Societies Registration Act, 1975, is responsible at the State level and is the writ petitioner herein. All District Volleyball Associations and recognized Volleyball Clubs in the State of Tamil Nadu are members of TNSVA. TNSVA is affiliated to VFI and is also recognized by Tamil Nadu State Olympic Association and Sports Development Authority of Tamil Nadu.

3. There arose certain disputes regarding the constitution of the executive committee of TNSVA. O.A.No.105 of 2019 and A.No.930 of 2019 and A.Nos.2217 and 2218 of 2019 were filed on the original side of the



W.A.No.2266 of 2022

Madras High Court in this regard. Vide order dated 27.04.2019 certain directions were issued. A former Judge of this Court (Hon'ble Mr.Justice D.Hariparanthaman) was appointed as Election Officer to conduct election to elect the administering body for the Association for the next term of four years from 2019. Election was conducted and a set of office bearers was chosen. Vide order dated 27.09.2019 in A.Nos.7203 and 7205 of 2019 directions were given to the Volleyball Federation of India (VFI) and Tamil Nadu Olympic Association to recognize the body of office bearers elected for TNSVA for the term 2019-23. Pursuant thereto, the Secretary General, VFI issued certificate dated 25.11.2019 recognizing the aforesaid election.

4. Vide communication dated 06.08.2022, VFI constituted a selection committee to select the members of the men and women teams for volleyball and beach volleyball to represent the State of Tamil Nadu in the 36th National Games. This communication was challenged by TNSVA in W.P.No.22545 of 2022. The writ petition was filed on 23.08.2022. Notice was ordered on 25.08.2022. The petitions seeking interim reliefs were taken up for hearing on 30.09.2022. After hearing counsel on either side, direction was issued to the Government of India and the Government of Gujarat (R1 and R3 in the writ petition) to approve the list of players selected and sent by TNSVA and



W.A.No.2266 of 2022

allow them to participate in the event of Volleyball at the 36th National Games. The order copy was issued only on 06.10.2022. Considering the extreme urgency expressed by the counsel, the appeal was permitted to be moved. This writ appeal was heard along with W.P.No.25668 of 2022.

5. The interim order that is impugned in this writ appeal rests on three premises.

(a) Election to the administering committee of TNSVA was conducted by a former Judge of this Court under orders passed in the Original Side. This has been duly approved also. It is only TNSVA that can select the team to represent the State in the National Games.

(b) VFI appointed a selection committee to finalize the members of the teams to represent the State in the Volleyball event. The selection committee was constituted under communication dated 06.08.2022 issued by VFI. This communication was stayed by the Hon'ble First Bench in W.P.No.25668 of 2022 on 21.09.2022. Therefore, the said order has become non-est.

(c) VFI has been de-recognized by the Central Government



W.A.No.2266 of 2022

vide communication dated 25.06.2020.

WEB COPY

6. W.P.No.25668 of 2022 filed by one Naveen Raja Jacob has been dismissed by us today. Therefore, the very foundation on which the impugned order rests has been undermined. The other two reasons assigned by the learned Judge have also been dealt with in detail in the order dated 07.10.2022 dismissing W.P.No.25668 of 2022. More than anything else, the writ petitioner has given a wrong picture that the games are being conducted by the Central Government and the Government of Gujarat. It is not so. The events are being organized by the Indian Olympic Association. It has constituted Games Technical Conduct Committee (GTCC). Indian Olympic Association had made it clear that it would deal only through VFI. This was made clear on 31.08.2022 by Tamil Nadu State Olympic Association in a letter addressed to TNSVA. TNSVA was called upon to contact the National Federations as the entries are given directly to the respective Federations by their affiliates. In other words, TNSVA will not have an independent standing to nominate or send its teams for participation in the National Games.

7. That the National Games are organized by Indian Olympic



W.A.No.2266 of 2022

Association (IOA) is not in doubt. The Hon'ble Supreme Court of India in its order dated 22.09.2022 in S.L.P.(C) No.14533 of 2022 has observed as follows:

" 8. The National Games are being conducted by the IOA between 29 September 2022 and 12 October 2022 after a gap of seven years. Events will be held at multiple cities in the State of Gujarat, including Ahmedabad, Gandhinagar, Surat, Vadodara, Rajkot and Bhavnagar. Over 8000 athletes are expected to participate in the National Games. This constitutes the biggest event in athletic sports in India. The Court has been apprised that MOUs have been executed by the IOA through its Secretary General with the Government of Gujarat and Gujarat Olympic Association. The preparations have been made by IOA; multiple committees have been set up; and the Secretary General is responsible for the day to day administration. In view of impending National Games, we direct that the administration of the affairs of IOA shall, pending the conclusion of the elections, be conducted by the Secretary General of IOA."

But IOA had not even been made a party to the writ petition.

Therefore, the writ petition itself would suffer from the vice of non-joinder of



W.A.No.2266 of 2022

necessary party.

WEB COPY

8. TNSVA is affiliated to VFI. TNSVA cannot challenge the scheme set out in the bye-laws of VFI. It is seen from the constitution and bye-laws of VFI that it is the official organization in complete and sole charge of all matters concerned with the game of Volleyball in India. Mr.Sricharan Rangarajan, the learned counsel appearing for the team members selected by VFI drew our attention to Article XIX of the constitution of VFI which reads as follows:

" Disputes / Conflicts / Affecting the preparation of teams for National / International Championships:

In the event of a dispute within an affiliated unit which affects normal working of the said Unit and prevents preparation of team and training of the players under charge of the Unit for purposes of National / International representation / competition under the aegis of the Federation / International Federation / IOA, the Federation will constitute an ad-hoc body from within its Executive Committee, associating any such person from outside, as it may deem necessary, to continue with the work of such preparation and training of that sport until the dispute within the Unit is resolved."



W.A.No.2266 of 2022

WEB COPY

9. Of course in this case, there does not appear to be any dispute within TNSVA. But the fact remains that TNSVA did not act in time to finalize the State team. This Article clearly gives power to VFI to step in in matters concerning preparation of teams for National Championship. We therefore find considerable merit in the contention of the learned counsel appearing for the appellant that the impugned communicated dated 06.08.2022 is within the competence of VFI. It is true that TNSVA filed the writ petition on 22.08.2022 itself. But the effective hearing of the interim applications was taken up only on 30.09.2022. By then much water had flown under the bridge. The accreditation process was over on 08.09.2022 itself. The team entries got closed on 31.08.2022 itself. TNSVA conducted the selection trials only from 10-14 September 2022. It is obvious from the sequence of events that the matters had become infructuous by 30.09.2022. For the reasons set out in the order dated 07.10.2022 dismissing W.P.No.25668 of 2022 and for non-joinder of IOA, the order impugned in this writ appeal is liable to be set aside.

10. The learned counsel for TNSVA relied on the order passed by the High Court of Kerala at Ernakulam in W.P.(C) No.28375 of 2022 dated



W.A.No.2266 of 2022

02.09.2022. This was confirmed by the Hon'ble Division Bench. S.L.P. filed

by Kerala State Volleyball Association was dismissed by the Hon'ble Supreme Court on 26.09.2022. We are of the view that this will not advance the case of the writ petitioner herein. The writ petition before the Kerala High Court was filed by Volleyball players selected by the State Volleyball Technical Committee under the Kerala State Sports Council. They felt aggrieved by the decision of the Kerala Olympic Association to enter a team selected by the Kerala State Volleyball Association in the National Games instead of the team selected by the Sports Council. The Kerala High Court took note of the fact that Kerala State Volleyball Association has been suspended by the Sports Council and that the State Olympic Association committed gross illegality by deciding to send a team selected by a non-existent Association. The Sports Council is a neutral body acting under the aegis of the State Government. VFI and the Kerala State Volleyball Association were on the same page in the said writ proceedings. The facts of the present case are entirely different and clearly distinguishable.

11. There is one other reason which impels us to interfere. The counsel have made available the email sent by GTCC Secretariat, 36th National Games, Gujarat 2022 stating that in view of the interim orders



W.A.No.2266 of 2022

passed by the Madras High Court, no volleyball players / teams representing

Tamil Nadu will be participating in the 36th National Games. It was also decided that the teams that were scheduled to play the Tamil Nadu teams shall get a walkover. If this were to happen, it would be an irreversible adverse development. When the Hon'ble Delhi High Court appointed a Committee Of Administrators (COA) to take over the administration of Indian Olympic Association, the Hon'ble Apex Court intervened since there was every possibility that Indian athletes might lose the chance of participating in International events including the Olympics. Vide order dated 22.09.2022 in S.L.P.(C) No.14533 of 2022 (Indian Olympic Association -Vs- Union of India and Others), the Hon'ble Apex Court has made several observations in connection with the National Games now being conducted by IOA between 29.09.2022 and 12.10.2022 after a gap of seven years. If we do not interfere in this Writ Appeal, there will be no representation for the State of Tamil Nadu in the Volleyball event. Already, in the Beach Volleyball event there has been a walkover. The same should not befall volleyball event also.

12. For the foregoing reasons, the order dated 30.09.2022 made in W.M.P.No.21569, 21571, 21576 and 21578 of 2022 in W.P.No.22545 of 2022 is set aside and the Writ Appeal is allowed. No costs. Consequently,



W.A.No.2266 of 2022

connected miscellaneous petition is closed.

WEB COPY

(G.R.S.,J.) (N.M.,J.)

07.10.2022

Index : Yes/No

Internet : Yes/No

KST

Note : Issue order copy today (07.10.2022)



WEB COPY



W.A.No.2266 of 2022

G.R. SWAMINATHAN, J.
and
N.MALA, J.

KST

W.A.No.2266 of 2022

07.10.2022