



W.P.No.34219 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.34219 of 2022

and

W.M.P.Nos.33667 and 33668 of 2022 & 11845 of 2023

Tamil Nadu State Volleyball Association (TNSVA),
Represented by its General Secretary,
Mr.A.J.Martin Sudhakar,
Room No.74, Jawaharlal Nehru Stadium,
Periamet, Chennai – 600 003.

... Petitioner

vs.

- 1.Secretary to Government,
Ministry of Youth Affairs & Sports,
Government of India,
Sasthri Bhavan,
New Delhi – 110 001.
- 2.Indian Olympic Association,
Represented by its Secretary,
Olympic Bhawan, B-29, Qutab Institutional Area,
New Delhi – 110 016.
- 3.Member Secretary,
Sport Development Authority of Tamil Nadu,
SDAT Head Office,
Jawaharlal Nehru Stadium,
Periamet, Chennai – 600 003.
- 4.Tamil Nadu State Olympic Association,
Rep. by its Secretary,
Room No.78, Jawaharlal Nehru Stadium,
Periamet, Chennai – 600 003.



W.P.No.34219 of 2022

5.Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai – 600 003.

6.Anil Choudhary
(claiming to be Secretary General of
Volleyball Federation of India),
Room No.72, Jawaharlal Nehru Stadium,
Chennai – 600 003.

7.Prabhakaran,
Convenor of Adhoc Committee of
Tamil Nadu State Volleyball Association,
(Appointed by Mr.Anil Choudhary-
claiming to be Secretary General of
Volleyball Federation of India),
Room No.72, Jawaharlal Nehru Stadium,
Chennai – 600 003.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 03.12.2022 Ref.No.VFI/TN-Order/2022-2023 issued by the sixth respondent in the name of the 5th respondent and quash the same as illegal, without authority of law and void and consequently, direct the respondents 1 to 4 not to permit or recognise or entertain the 6th and 7th respondents or their Adhoc Committee members in any action relating to the sport of volleyball in the State of Tamil Nadu.

For Petitioner : Mr.P.S.Raman
Senior Counsel
for M/s.S.Thankasivan

For Respondents : Mr.T.V.Krishnamachari
Senior Panel Counsel [R1]
Notice not ready [R2]



W.P.No.34219 of 2022

Mr.P.Sathish
Additional Government Pleader [R3]
Mr.R.Ganesh Kanna [R4]
Mr.J.Sivanandaraj
Senior Counsel
for M/s.C.Kathiravan [R5 to R7]

ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 03.12.2022 Ref.No.VFI/TN-Order/2022-2023 issued by the sixth respondent in the name of the fifth respondent and quash the same as illegal, without authority of law and void and consequently, direct the respondents 1 to 4 not to permit or recognise or entertain the respondents 6 and 7 or their Adhoc Committee members in any action relating to the sport of volleyball in the State of Tamil Nadu.

2. The case of the petitioner is that, the petitioner is an elected body pursuant to the election conducted as per the direction issued by this Court in O.A.No.105 of 2019 and Application No.930 of 2019 and Application Nos.2217 and 2218 of 2019. Similarly, the fifth respondent is also registered under the Tamil Nadu Societies Registration Act. Though the petitioner is a State body, however, the fifth respondent is a National body, which is



W.P.No.34219 of 2022

representing on behalf of the Government of India for sending sportsman to participate and the fifth respondent is also registered with Indian Olympic Association and is entitled to send sportsman to abroad for participation. While so, there was a dispute in the fifth respondent Association, since there was two groups fighting for each other and the fifth respondent claims that the petitioner is supporting one of the group, thereby, they issued a show cause notice on 12.11.2022 calling for explanation from the petitioner. Upon receipt of the same, the petitioner sent reply dated 18.11.2022 seeking for grant of 15 days for filing reply to the above show cause notice. However, without considering the same, decision was taken by the sixth respondent on 03.12.2022 and declared that the affiliation of the petitioner with the fifth respondent was terminated. Challenging the same, the above writ petition has been filed before this Court.

3. Though very many grounds have been raised in the above writ petition, the learned Senior Counsel for the petitioner submits that the present writ petition is filed solely on the ground of violation of principles of natural justice, since the sixth respondent mechanically passed the impugned proceedings dated 03.12.2022 without providing any opportunity to the petitioner and the same is not sustainable. Accordingly, he prays for appropriate orders.



W.P.No.34219 of 2022

4. The learned Senior Panel Counsel appearing for the first respondent placing reliance on the counter affidavit submits that the Ministry of Youth Affairs and Sports grants recognition to the sports bodies at National level as National Sports Federations (NSFs) as per the National Sports Development Code of India, 2011 and does not govern the recognition of State Level Associations by the NSFs. Consequently, this Ministry has no role in this matter. Accordingly, he prays for dismissal of this writ petition.

5. The learned Senior Counsel appearing for the respondents 5 to 7 submits that, though the sixth respondent issued a show cause notice on 12.11.2022 calling upon the petitioner to submit a reply within a period of 6 days from the date of receipt of the show cause notice, however, the petitioner has not chosen to submit any reply. Further, the Executive committee convened its meeting on 18.11.2022 and terminated the affiliation of the petitioner on 03.12.2022, since the petitioner has not submitted any reply, which cannot be interfered with, he contended.

6. This Court has carefully considered the rival submissions and perused the materials available on record.



W.P.No.34219 of 2022

WEB COPY

7. In view of the above submissions, this Court, is of the view that, though the petitioner has sent a reply to the show cause notice seeking for grant of time to reply to the show cause notice, however, the sixth respondent without considering the same, passed the impugned proceedings dated 03.12.2022 terminating the affiliation of the petitioner with the fifth respondent, is a clear violation of principles of natural justice. Hence, the impugned proceedings is liable to be set aside.

8. Accordingly, the Writ Petition is allowed and the impugned proceedings issued by the sixth respondent in the name of fifth respondent in Ref.No.VFI/TN-Order/2022-2023, dated 03.12.2022, is set aside and the matter is remanded to the fifth respondent. Further, the petitioner is directed to submit a suitable reply to the show cause notice dated 12.11.2022, within a period of two (2) weeks from the date of receipt of a copy of this order. Thereafter, the fifth respondent is directed to conduct an enquiry and pass appropriate orders on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner within a period of six (6) weeks. It is open to the parties to raise the issue arises in the writ petition before the fifth



W.P.No.34219 of 2022

respondent. No costs. Consequently, the connected miscellaneous petitions are

closed.

06.06.2023

(2/2)

Index : Yes/No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

sp

To

- 1.The Secretary to Government,
Ministry of Youth Affairs & Sports,
Government of India,
Sasthri Bhavan,
New Delhi – 110 001.
- 2.The Secretary,
Indian Olympic Association,
Olympic Bhawan, B-29, Qutab Institutional Area,
New Delhi – 110 016.
- 3.The Member Secretary,
Sport Development Authority of Tamil Nadu,
SDAT Head Office,
Jawaharlal Nehru Stadium,
Periamet, Chennai – 600 003.
- 4.The Secretary,
Tamil Nadu State Olympic Association,
Room No.78, Jawaharlal Nehru Stadium,
Periamet, Chennai – 600 003.



WEB COPY



W.P.No.34219 of 2022

M.DHANDAPANI, J.

sp

5.The Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai – 600 003.

6.The Secretary General,
Volleyball Federation of India,
Room No.72, Jawaharlal Nehru Stadium,
Chennai – 600 003.

7.The Convenor of Adhoc Committee of
Tamil Nadu State Volleyball Association,
Room No.72, Jawaharlal Nehru Stadium,
Chennai – 600 003.

W.P.No.34219 of 2022

and

W.M.P.Nos.33667 and 33668 of 2022 & 11845 of 2023

06.06.2023

(2/2)