



WP(MD)Nos.346 of 2022, 17760, 23259 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)Nos.346 of 2022, 17760, 23259 of 2023
and
WMP(MD)Nos.266 of 2022, 14838, 16299, 17614,
19457, 19461, 19464 of 2023

WP(MD)No.346 of 2022:-

Annanagar Cricket Club
Rep. by its Secretary
Lawrence Jeyaseelan

: Petitioner

Vs.

1.The District Registrar (Admin),
Registration Department,
Tiruchirappalli.

2.The Tiruchirappalli District Cricket Association,
Rep. by its Secretary,
No.3, 2nd Floor North Drowbathi Amman Kovil Street,
Puthur,
Tiruchirappalli – 620 017.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus directing the respondents to



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furnish the players registration form to the petitioner club to enable the petitioner club to register its players and allow the petitioners club players to participate in the Kauvery Hospital - TDCA Knockout Tournament 2021-22, scheduled to be conducted from 08.01.2022 by conducting redraw of lots, by including the petitioners club.

For Petitioner : Mr.K.K.Senthil

For Respondent : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1

Mr.M.Saravanan for R.2

WP(MD)No.17760 of 2023:-

P.Kathiresan : Petitioner

Vs.

1.The Member Secretary,
Sports Authority of Tamil Nadu,
116A, Periyar EVR High Road,
Nehru Park, Chennai.

2.The District Sports Officer,
Seethakathi Sethupathi Stadium,
Collectorate Campus,
Ramanathapuram.



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3.The Secretary,
Tamil Nadu Cricket Association,
M.A.Chidamparam Stadium,
Victoria Hostel Road,
Chepauk,
Chennai – 600 005.

4.The Secretary,
Ramanathapuram District Cricket Association,
No.29, Khan Shahib Street,
Vellipattinam Post,
Ramanathapuram District.

5.The Captain,
Syed Ammal Engineering College Cricket Team,
Dr.E.M.Abdullah Campus,
Lantai,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to eliminate the third respondent team from the league championship 2023-24 as per the league rules and consequently, directing the first respondent to fix the umpire from umpiring panel committee.



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For Petitioner : Mr.B.Mahendrarajan

For Respondents: Mr.S.Santhosh Kumar for R.1, R.2

Mr.K.Hema Karthikeyan for R.3

Mr.A.K.Baskara Pandian for R.4

Mr.H.Mohamed Imran
for M/s.Ajmal Associates for R.5

WP(MD)No.23259 of 2023:-

A.Senthilkumar

: Petitioner

Vs.

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

2.The Registrar of Societies,
Tiruchirappalli – 620 001.

3.The Tiruchirappalli District Cricket Association,
(Registration No.147 of 2006)
Rep. by its Secretary,
Door No.3, 2nd Floor North Drowbathi Amman Kovil Street,
Above Indian Overseas Bank, Puthur,
Tiruchirappalli – 620 017.



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4.Dr.R.Ramasubbu

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5.D.Dhanapal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to conduct a free and fair election after preparation of a fair voters list by publishing the draft voters list, to call for objections and to publish the final voters list without the intervention of the fourth respondent.

For Petitioner : Mr.J.Barathan

For Respondents: Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1, R.2

Mr.K.P.S.Palanivel Rajan,
Senior Counsel
for Mr.M.Sankaralingam for R.3

Mr.M.Saravanan
for R.4

Mr.H.Arumugam
for R.5



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COMMON ORDER

These writ petitions are filed by individuals / Cricket Clubs alleging irregularities in the District Level Cricket Associations in the conduct matches and elections. Therefore, all of them are heard together and are disposed of by way of this common order.

2.The writ petitions in WP(MD)Nos.346 of 2022 & 23259 of 2023 pertain to Trichy District Cricket Association and the writ petition in WP(MD)No.17760 of 2023 pertains to Ramanathapuram District Cricket Association.

WP(MD)No.346 of 2022:-

3.1.The petitioner / Annanagar Cricket Club is a member of Trichy District Cricket Association / second respondent. The petitioner Club has filed this writ petition for a mandamus directing the respondents to furnish the players registration form to their Club enabling them to register their players and allow the petitioner Club's players to participate in the



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Kauvery Hospital - TDCA Knockout Tournament 2021-22, which was scheduled on 08.01.2022.

3.2.The second respondent / Trichy District Cricket Association is a registered Society and the petitioner Club is a member of the Society. The second respondent Association proposed to conduct a Knockout Tournament for the year 2021-22 to fill-up two vacancies in the fifth division and also issued a Circular on 01.12.2021 inviting applications. As per the Circular, the Teams which are interested to participate in the Tournament have to submit a letter conveying their interest in the required form, which would be supplied by the second respondent. This form would be supplied after the payment of affiliation fee, knockout fee and player registration fee. A Team, which is intending to participate, has to pay a sum of Rs.6250/- in the name of the Trichy District Cricket Association through online mode in their bank account and after the payment, the required registration form would be issued by the second respondent. The filled-in form has to be submitted before the second respondent Association on or before 20.12.2021.



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3.3. According to the petitioner Club, they have paid the required fee of Rs.6250/- on 19.12.2021 in the second respondent's bank account. However, the form was not given to them and that they were informed that the forms were over and it would be issued on the next day. But, the form was not given to them, despite repeated requests. Therefore, they were not in a position to submit their players' registration form for participating in the Knock-out game, even though they paid the required registration fee, as directed by the second respondent.

3.4. The petitioner apprehend that their Club has been intentionally not permitted to participate in the knock-out tournament in order to eliminate them from the membership. As per the bye-law of the second respondent Society, the life members and the institutions, which are playing in the divisions 1 to 5 and participated in the qualifying knock-out tournaments conducted by the Society for a consequent period of five years without break, alone shall have eligibility to vote in the election. By preventing the petitioner Club from participating in the knock-out



tournament, by not issuing the player registration form, the second respondent Society has prevented this petitioner from participating in the election.

4.1.In response to this writ petition, the learned Counsel for the second respondent / Trichy District Cricket Association submitted that the Circular dated 01.12.2021 was issued to all the members inviting them to participate in the knock-out tournament for the year 2021-22 to fill up the two vacancies in the 5th division. As per the Circular, the filled-in players' registration form has to reach the second respondent office on or before 20.12.2021 @ 05.00 pm. On 19.12.2021, at about 08.00 pm, the representatives of the petitioner Club has approached them and received the registration form bearing S.Nos.951 to 965, by showing the receipt for payment of Rs.6250/-.

4.2.According to the second respondent, totally, 44 teams have received the players registration form, after making payment, but, only 33 teams have submitted the players registration form within the cut-off date



and also participated in the tournament. 11 clubs, including the petitioner club, have not submitted the filled-in form, though they have paid the required fee and obtained the registration form was received, for want of trained players.

4.3.Learned Counsel further submitted that the petitioner was permitted to participate in the subsequent year tournament, based on the fee, which has been paid by them for the year 2021-22 and therefore, nothing survives in this writ petition.

WP(MD)No.17760 of 2023:-

5.1.The petitioner is the Captain of New Star Cricket Team, Pekkerumbu, Thangachimadam, Rameshwaram Taluk, Ramanathapuram District. His team has been participating in the cricket matches for league championship. District level league championship matches are being conducted by the first respondent / Sports Authority of Tamil Nadu and the second respondent / District Sports Officer of Ramanathapuram, ever year and separate rules have also been framed.



5.2. There are two divisions, with ten teams each. As per Rule 24-C, the bottom one team of the league table should be eliminated from the league as not qualified and as such, a vacancy would arise for the 10th position in the 2nd division. Advertisements in newspapers and other media would be published calling for new teams to play match with the eliminated team for the 10th position in the 2nd division, thereby, new teams would get a chance to play the league matches.

5.3. According to the petitioner, during the league season for 2019-20, his team finished last in the table and was eliminated. Thereafter, due to Covid outbreak, the league season for 2020-21 was not conducted. In the league season for 2021-22, the fifth respondent / Syed Ammal Engineering College Team finished last in the table. All the teams, including the petitioner's team, were awaiting for the qualifying tournaments to get into the divisions. However, a resolution has been passed by the Ramanathapuram District Cricket Association, paving way for the Syed Ammal Engineering College Team to participate in the league season for 2022-23.



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5.4. Challenging the same, the petitioner has moved a writ petition in WP(MD)No.24816 of 2022 and this Court, by order dated 12.01.2023, has observed as follows:-

“2.The grievance of the petitioner is that the fourth respondent had permitted the fifth respondent to take part in the league match held from July 2022 till February 2023. It is seen from the records that the fifth respondent is not really qualified to take part in the league matches. Only by virtue of the resolution passed by the fourth respondent association on 03.07.2022, the fifth respondent team was permitted to take part.

3.The grievance of the petitioner is justified. However, I am not in a position to grant relief for the simple reason that the league tournament has considerably progressed. The learned counsel for the fourth respondent informs the court that out of 45 matches, 32 have already been completed. It is not for this Court to interfere at this stage. It is however clarified that the petitioner New Star Cricket Team can very well take part in the matches that are scheduled to be held after the completion of the on-going league matches. I only hope that the fourth respondent will not give such special treatment to any team in future in violation of their own rules and regulations.”



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5.5. The case of the petitioner is that despite the above observations of this Court, the fifth respondent / Syed Ammal Engineering College Team, which finished last in the league 2022-23, was again permitted to participate in the next league season 2023-24, by the Ramanathapuram District Cricket Association, without elimination.

6.1. In response to this writ petition, Ramanathapuram District Cricket Association filed a counter affidavit that in the league season 2019-20, the petitioner's team, New Star Cricket Club, played and finished last and they were eliminated. In the subsequent qualifying tournament also, conducted by the Association, the petitioner's team participated and failed to qualify. Thereafter, due to Covid outbreak, the league season 2020-21 was cancelled, as instructed by the Tamil Nadu Cricket Association. Due to Covid Lockdown, most of the grounds used to conduct league matches were full of weeds, bushes and grass. The pitches also became unplayable. Several efforts were taken to clear the grounds and make it playable. Thereafter, the league season 2021-22 was conducted,



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with utmost efforts adhering to Covid protocols issued by the Government and Tamil Nadu Cricket Association.

6.2.Under such circumstances, the Executive Committee of Ramanathapuram District Cricket Association felt that it was not possible to force new clubs participating in the qualifying tournament to follow the Covid norms. If the norms are not strictly followed, it may lead to havoc and as such, the Executive Committee unanimously decided to cancel the qualifying tournament and to continue the league season 2022-23 with the already participating teams. While so, the petitioner has moved WP(MD)No.24816 of 2022, wherein, this Court has observed that special treatment should not be given to any team in future.

6.3.During the league season 2022-23, the fifth respondent / Syed Ammal Engineering College Cricket Team finished last. However, SDAT Sports Hostel Team played 3 out of 9 matches during the league and failed to complete the league matches in the 1st division. As per Rule 8-C(1), any team, which fails to turn up for any single match or for their last match,



will be eliminated from the league. Therefore, their slot in the league became vacant, for which, qualifying tournament was conducted from 20.05.2023 to 23.05.2023 for the league 2023-24. In the qualifying tournament, 11 teams participated, including the petitioner's team and the petitioner's team failed in the qualifying tournament. Thereafter, the league 2023-24 commenced and the matches are in mid-way. Suppressing these facts, the petitioner has filed this writ petition.

6.4.The Syed Ammal Engineering College Cricket Team has also filed a counter affidavit taking a similar stand.

WP(MD)No.23259 of 2023:-

7.1.The petitioner is a member of Trichy District Cricket Association / third respondent, which is registered under the Tamil Nadu Societies Registration Act and affiliated to Tamil Nadu Cricket Association.

7.2.According to the petitioner, there are lot of irregularities in the functioning of the third respondent Society. The Society has not properly



submitted the returns before the Registrar of Societies and as such, the Form 7 submitted by the Society was not taken on file by the Registrar of Societies. The amendments made by the Society in the byelaws were not registered by the Registrar of Societies. The Society is functioning without a Secretary. As per the byelaw, in the absence of Secretary, any of the Joint Secretaries will act as the Secretary and convene the general body or execution committee meeting. However, the President / fourth respondent himself is acting as Secretary and is convening the meetings.

7.3. Since the annual returns had not been properly filed by the Society, the second respondent / Registrar of Societies initiated action for appointment of a Special Officer and passed an order on 04.02.2019, that the decisions taken by the Society are neither taken in the General Body nor in the Executive Committee, rather, the decisions are taken by the office bearers alone and that the inclusion and expulsion of members by the office bearers is not valid. Challenging this order dated 04.02.2019, the third respondent Society filed a writ petition in WP(MD)No.1515 of 2021 and obtained an order of interim stay.



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7.4. While so, the fourth respondent / President of Trichy District Cricket Association / third respondent Society, issued a notice dated 30.08.2023 calling for nominations of office bearers. On the same day, he issued another notice calling for convening the Annual General Body Meeting on 23.09.2023, though the power to call for nominations and convening the meetings vests only with the Secretary / Joint Secretary.

7.5. A further resolution was passed on 22.08.2023 by the Executive Committee appointing the fifth respondent as the Election Officer for the Society. The petitioner is not having confidence on the fifth respondent, as he is acting at the behest of the fourth respondent / President and has published the voters list on 30.08.2023, without publishing the draft voters list and calling for objections. At his whims and fancies and on the instigation of the fourth respondent, the fifth respondent has removed several members from the voters list. Therefore, the petitioner has made a representation dated 15.09.2023 to the respondents 1 & 2 to stop the election process, prepare a fair genuine voters list and thereafter, conduct



the election. Since there is no response from the official respondents, he has filed this writ petition.

7.6. According to the petitioner, the fourth respondent / President is a powerful media personality. However, without even issuing any paper publication about the general body meeting, a secret election is scheduled to be conducted on 23.09.2023, amongst the family members, in order to avoid further action at the hands of the Registrar of Societies.

8.1. In response to this writ petition, learned Senior Counsel representing the Trichy District Cricket Association claimed that the allegations made by the petitioner are baseless and that they are conducting the election in a fair and proper manner. He further submitted that the Court can even appoint an independent Observer to ensure a fair and proper election.

9. Heard the learned Counsel appearing for the respective parties and perused the materials placed on record.



WP(MD)No.346 of 2022:-

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10.The grievance of the writ petitioner in WP(MD)No.346 of 2022 is that their Club was intentionally prevented from participating in the knockout tournament for the year 2021-22, so that they would not participate in the election process of Trichy District Cricket Association. It is their case that though they paid the required registration fee, they were not provided with the registration form. On the other hand, the Trichy District Cricket Association claimed that they have indeed issued the registration forms in S.Nos.951 to 965 to the petitioner Club, however, the petitioner Club has not submitted the filled-in form within the cut-off date.

11.Though the Trichy District Cricket Association claim that they have issued the registration forms to the petitioner Club, they have not substantiated the same by producing any receipts / acknowledgments. It is an admitted case that the petitioner Club has paid the required registration fee, well within the cut-off date. Similar is the case for 11 other clubs as well, even according to the Trichy District Cricket Association. On a query posed by this Court, it is represented by the Association that the Clubs



would pay the required fee, however, for want of players, they would not submit the filled-in form in time. This Court is not in a position to accede this submission that a Club, which is regularly playing with a team of players, after remitting the required fee and obtaining the registration form, is not submitting the form.

12. Therefore, this Court is not inclined to accept the case of the Association. However, the Association claimed that the knock-out tournament for the year 2021-22 was completed and that the petitioner was permitted to participate in the knock-out tournament for the next year, with the fee already paid and as such, nothing survives for further adjudication. This Court is not accepting the same, inasmuch as the petitioner Club has raised a specific allegation that by preventing the petitioner Club from participating in the tournament, their Club was not eligible to participate in the election process.

13. Though the petitioner has raised this specific allegation by referring the bye-laws, there is no averment as regards the voting right of



the petitioner Club and other Clubs in the counter affidavit filed by the Association. Not even the bye-laws were produced by the Association.

However, in the connected writ petition in WP(MD)No.23259 of 2023, the bye-laws were produced and the relevant portion is extracted as under:-

“Clause 13(f) : life members, clubs and the institutions playing in the divisions 1 to 5 and the club / institution teams that have participated in the qualifying knock-out tournaments conducted by the association for a consequent period of five years without break alone shall have eligibility to vote in the election.”

14. Therefore, this Court infers that the petitioner Club was prevented from participating in the knock-out tournament, so as to prevent them from voting in the elections and as such, this Court is allowing this writ petition with regard to voting rights.

WP(MD)No.23259 of 2023:-

15. The case of the petitioner, a member of the Trichy District Cricket Association, is that a secret election is scheduled to be conducted for the Trichy District Cricket Association on 23.09.2023, without even issuing any



paper publication about the general body meeting, though the President of the Society is a well known media personality. The petitioner also alleged several irregularities in the Society including the submission of Form 7, amending the bye-laws, inclusion and exclusion of members.

16.The Registrar of Societies, by order dated 04.02.2019, held that the decisions taken by the Society regarding addition and deletion of members are invalid and further directed the parties to work out their remedy before the civil Court regarding election. This order of the Registrar dated 04.02.2019 has been stayed by this Court in WP(MD)No.1515 of 2021. When the matter is subjudiced in WP(MD)No.1515 of 2021, the fourth respondent / President has proposed to conduct the election.

17.The petitioner also alleges that the draft voters list was not published and objections were not called for from the members. These allegations were not refuted by the Association by producing any materials. However, both sides are prepared to have the election process under an independent Observer.



WEB C WP(MD)No.17760 of 2023:-

18.The grievance of the petitioner in WP(MD)No.17760 of 2023 is that the Ramanathapuram District Cricket Association is favouring Syed Ammal Engineering College Cricket Team, by not eliminating them and allowed them to participate in the subsequent league matches, even though the said Team finished last in the earlier league matches.

19.Ramanathapuram District Cricket Association took a stand that SDAT Sports Hostel Team failed to participate in all the league matches and as per Rule 8-C(1), any team, which fails to turn up for any single match or for their last match, will be eliminated from the league. Therefore, the slot of SDAT Sports Hostel Team in the league became vacant, for which, qualifying tournament was conducted, even though the fifth respondent / Syed Ammal Engineering College Cricket Team finished last. In that qualifying tournament, 11 teams, including the petitioner's team, participated. The Association has also produced the relevant materials showing the participation of the petitioner in the qualifying tournament



2023-24. Therefore, according to the Association, they have not shown any favour to a particular team.

20. In view of the stand taken by the Association, coupled with the materials produced, this Court is not inclined to accept the case of the petitioner.

Directives:-

21. Even though Hockey is the national sport of India, it has always struggled against Cricket in terms of popularity among the sports fans. The fans in our country are having colossal craze towards Cricket, over any other sports. Though Cricket is termed as a gentlemen / gentlewomen game, it has its own fundamental problems. These issues have been addressed by the Lodha Committee and the recommendations of the Committee has been accepted by the Hon'ble Supreme Court in *Board of Control for Cricket in India and Others v. Cricket Association of Bihar and Others*, to some extent and the process of implementing such recommendations are underway.



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22.The Board of Control of Cricket in India [BCCI] is the governing body of Cricket in India. It was formed in the year 1928 and it is a consortium of State Cricket Associations. BCCI is considered to be one of the wealthiest sports body throughout the world. It is reported that BCCI has paid a sum of Rs.4,000 Crore as tax to the Government of India for the financial year 2022-23.

23.The representatives of State Cricket Associations elect the President of BCCI. The players from the State Cricket Associations are representing BCCI, as Team India, in international events. State Cricket Associations, in turn, are a consortium of District Level Cricket Associations. Tamil Nadu Cricket Association [TNCA] is one of the State Associations, affiliated to BCCI. Tamil Nadu Cricket Association is the apex body that governs Cricket in the State of Tamil Nadu. Under TNCA, there are 149 member Clubs in Tamil Nadu and 37 District Level Cricket Associations.



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24.Trichy District Cricket Association and Ramanathapuram District Cricket Association are District Level Associations affiliated to TNCA. These District Level Associations refer the players for State Level Tournaments for recognition by TNCA. The State Level Associations refer such players for National Level Events for recognition by BCCI. Such recognized players are getting chance to sport their talent in international stage.

25.Curiously, all these District Level, State Level and National Level Associations are private or autonomous bodies. However, they are discharging the functions akin to that of the State and as such, they are amenable to the jurisdiction of this Court under Article 226 of the Constitution of India.

26.Whenever any player representing our country wins an international competition, our National Flag would be hoisted, which gives pride for every citizen of this country. But, it is to be reminded that these



players, who are playing in these tournaments, are not the players of the country and they are players of certain private associations, which were registered under the Societies Registration Act. Neither the State Government nor the Central Government is having any control over the Societies, excepting the District Registrar of Societies.

27. Any seven member can form a Society under the Societies Registration Act. It is not known how these Associations, which were formed under the Societies Registration Act, can decide the fate of the players in cricket as well as in other games. The persons who are at the mercy of these clubs, which are registered under the Societies Registration Act, can play the game and obtain the recognition in the District, State, National and International Level. In fact, in these writ petitions, allegations are made as against the Trichy Cricket Association that the Society members are almost their relatives and the Cricket Clubs which are not amenable to them are eliminated by the Society by one way or the other by not issuing the forms.



28. Unless the members and functionaries of the Associations are persons of eminence in the field of sports, merit and accountability would be seriously compromised. If a person, who is completely alien to the field of sports, is given the authority to decide the fate of players, just because they are making financial contributions, it would not be a level playing field for the players. Such persons can be given representation with membership, however, maximum representation over membership with deciding authority should be given with persons having acquaintance with sports.

29. Sports Development Authority of Tamil Nadu [SDAT], an organization registered under the Tamil Nadu Societies Registration Act, is the official sports organ of the Government of Tamil Nadu, with the Hon'ble Chief Minister of Tamil Nadu as its Chairman. The management of SDAT is entrusted with an Executive Committee, chaired by the Hon'ble Minister for Sports and Youth Welfare. In all District Headquarters, SDAT's District Unit Offices are functioning in the stadium complex and a Stadium Committee is constituted in each and every Districts, chaired by



the District Collector, with other members such as MPs, MLAs, sports philanthropists, among others.

30.The role of SDAT is to sanction grants to the recognized State Sports Association for the promotion of Sports in Tamil Nadu to conduct National / State Championships. However, it is reported that SDAT has neither recognized nor governed any Cricket Association in the State. Therefore, it is clear that they have very little or no control over any of the Associations, apart from the grant made to them.

31.Taking all these aspects into consideration, a learned Single Judge of this Court in *S.Nithya v. Secretary to Government and Others* [2022 (3) CTC 739], has elaborately discussed and held as follows:-

“44. In the light of the above discussions, the following directives are issued:

i. The State government should consider for creating a legal framework that imposes statutory regulation on the functioning of every sports organisation / clubs / association, including the state unit of the National Sports Federation in respect of every field of sports. The said



legal framework should include as far as possible all the following aspects and directions and which shall continue to be in force until the passing of such a statute by the state legislature.

ii. Every Sports Association / organisation shall be compulsorily registered with the State Government and it shall be mandatory for the said organisation to provide its complete details including its constitution and details of its members, the sports persons registered with the said association, its financial status as well as the contributions / funds received by the said association, the number and details of events conducted by the Association and the credentials of the sports persons participating in every such event.

iii. Every Sports Association should have a record of all the above stated details and it shall be within the power of the State Government to inspect such records at any given point of time.

iv. The State Government as well as the state unit of the National Sports Federation of every sport which is recognised by the Central Government shall have a grievance cell, in order that deserving sports persons may contact them directly in cases where the recognised sports Association / affiliate does not forward a deserving athlete / sports person's name for participation at the national level to the concerned National Sports Federation.

v. The positions of President, Vice President and Secretary of every sports Association / organisation as well as important functionaries of such organisations including that of the state unit of



the National sports Federation shall be held only by sports persons and it must be ensured that a minimum of 75% of the members of any sports body / organisation / association / NSF shall be composed of eminent sports persons and they shall have voting rights.

vi. The selection of athletes shall be within the purview of the decision-making powers of the selection committee consisting only of sports persons in the respective association as well as the sports Federation.

vii. No person shall be entitled to hold the position of President, Vice President, Secretary or any other important functionary in any association as well as Federation on the only ground that he or she has contributed financially to the said organisation. The holding of such a position shall be strictly governed by the Constitution of the respective organisation which shall clearly set out the procedure for election to the office of President, Vice-President and Secretary and other important functionaries, in accordance with the previous direction in clause vi. above that such positions can only be held by sports persons.

viii. Any reference to the term 'sports persons' for the purpose of holding the positions of any of the important functionaries in any organisation / association or Federation, would mean a person who has participated in sports at least at the State level, with participation at the national level and winning of awards and accolades at the national level being a desirable qualification.

ix. An online registration system for all district level, state level



and national level athletic championships, competitions, meets and events, similar to the model followed in the Federation Cup Athletics Championships, shall be effectuated immediately, which shall publish online the amount allotted and spent on each athlete for such events.

x. It shall be mandatory for every association to have a website where all its financial aid as sanctioned and granted by the sports development authority of the respective State as well as by the Union Government must be furnished and the details of all the applicants with their respective credentials must also be mentioned in a transparent manner in the website.

xi. In cases where it is found after an enquiry that any association / organisation or state unit of the National sports Federation has acted against merit in respect of the selection of participants, the State Government can take penal action against such an organisation including blacklisting of such an organisation for a minimum period of two years during which the association / organisation will not be in a position to sponsor candidates for national events or receive grant from the State Government.

xii. In the event of any grievance made by any athlete / sports person to the state unit of the National sports Federation, the same shall be disposed of within a period of one week from the date on which such a grievance has been raised or before the upcoming event in respect of which the grievance is made, whichever is earlier, in order that the concerned athlete / sports person does not lose their chance for the



concerned year.

xiii. In the event of any grievance made with respect to any state unit of the National sports Federation, the state government shall dispose of the same within a period of one week from the date on which such a grievance has been raised or before the upcoming event in respect of which the grievance is made, whichever is earlier.

xiv. The suggestions placed by the sixth respondent, which are extracted in para 9(vi) of this order shall be considered by the respondents 1, 4 and 5. Such compliance report be filed within a period of three months."

32.This decision of the learned Single Judge was upheld by the First Bench of this Court in *Secretary, Tamil Nadu Olympics Association v. S.Nithya and Others* [(2022) 5 MLJ 1]. While upholding, the Division Bench has observed as follows:-

"23.It is time and again decried with regard to the Sports in India that there is abundant sporting talent among 125 Crore population, especially, the Athletes from rural India, if encouraged will be no less than in any of their counterparts around the world. Even though financial constraints have been felt, it is also noticed that the countries which have more severe financial constraints, are actually performing better than India. Thus, a closure scrutiny of the situation reveals that it



is the proper implementation of the appropriate policies such as National Sports Development Code and not having transparency and best practices in the matter of administration of sports, corruption and nepotism and fraud in selection etc, which are the primary reasons hampering sports and sportspersons.

24.It is the lack sporting culture primarily among the administrators which is the major concern. It is not possible unless the people who are in sports administration know how it feels to be a sport person, what it takes to cope up with any loss, the physiological needs and impact of its changes, the frame of mind etc. It requires empathic understanding of the Athletes / Sports persons and the requirements of the particular sports as such. Thus, sports specially requires more of heuristic/empirical knowledge than any other field. That is why persons other than Athlete/sports persons, are unconsciously incompetent to administer sports. In other words, they not only don't know, but they also don't know, what they don't know. That is why, the International Olympic Congress, the law makers, the Judicial precedents, the Ministry of Youth and Sports Affairs, the National Sports Development Code, all advocate unanimously that Athletes / Sport persons should have a definite say, in the matter of administration of sports, which cannot be a reality, unless and otherwise a minimum of 75% of them are their office bearers in these Federations / Associations.



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25. Outsiders including Businessmen, Politicians, Owners of the Academic institutions are welcome to encourage, fund and sponsor sports and sportspersons, but insisting that they will be the part of the administration, will only lead to ruin. So long these associations were predominantly administrated only by the non-sports persons and that is why the poor run so far. There is need for imminent change which can brook no delay and therefore, the learned Judge rightly issued the directions. The stark inequalities in providing five star facilities to these administrators while showing apathy to the ordinary Athletes need to be stopped. Not to say about other serious mal-practices, sexual harassment, etc. Therefore, we hold the decisive involvement of sports persons/Athletics in the matter of administration of sports is essential and indispensable.

26. Merely because, it is mentioned in the Bye-laws of the Association that 25% of the office bearers can be sports persons, will not in any manner come in the way of issue of appropriate directions by this Court under Article 226 of the Constitution of India. As a matter of fact, it is expected of the Appellant Association to implement each and every direction in true spirit, to bring the respite to the thousands of sports persons and aspiring athletes within the State of Tamil Nadu, so that some day in the near future, we can witness more and more Indian Athletes / Sports Persons adorning the Olympic Podium, proportionate to the capability of this great nation."



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33. In view of the foregoing observations and discussions, this Court is passing the following order:-

a) The writ petition in WP(MD)No.346 of 2022 has become infructuous, insofar as the tournament is concerned. However, in respect of voting rights, this writ petition is allowed, by considering as if the petitioner Club participated in the knock-out tournament 2021-22, provided if they are otherwise eligible.

b) The writ petition in WP(MD)No.17760 of 2023 is dismissed.

c) The writ petition in WP(MD)No.23259 of 2023 is disposed of, with a direction to the Government to ensure that the directions issued by this Court in *S.Nithya v. Secretary to Government and Others* [2022 (3) CTC 739], as confirmed by the Division Bench in *Secretary, Tamil Nadu Olympics Association v. S.Nithya and Others* [(2022) 5 MLJ 1], are implemented in its letter and spirit, with regard to the membership, before conducting any election.



WP(MD)Nos.346 of 2022, 17760, 23259 of 2023

There shall be no order as to costs. Consequently, connected

miscellaneous petitions are closed.

Internet : Yes

25.09.2023

Index : Yes / No

NCC : Yes / No

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Note:

Mark a copy of this order to

The Secretary to the Government of Tamil Nadu,
Youth Welfare and Sports Development Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

To

- 1.The District Registrar (Admin),
Registration Department,
Tiruchirappalli.
- 2.The Member Secretary,
Sports Authority of Tamil Nadu,
116A, Periyar EVR High Road,
Nehru Park, Chennai.
- 3.The District Sports Officer,
Seethakathi Sethupathi Stadium,
Collectorate Campus,
Ramanathapuram.



WP(MD)Nos.346 of 2022, 17760, 23259 of 2023

4.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

5.The Registrar of Societies,
Tiruchirappalli – 620 001.



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WP(MD)Nos.346 of 2022, 17760, 23259 of 2023

B.PUGALENDHI, J.

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WP(MD)Nos.346 of 2022, 17760, 23259 of 2023

25.09.2023