



W.A(MD)Nos.896 and 915 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2024

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THE HON'BLE MR.JUSTICE **R.SURESH KUMAR**
AND
THE HON'BLE MR.JUSTICE **G.ARUL MURUGAN**

W.A(MD)Nos.896 and 915 of 2024 and
C.M.P.(MD)Nos.6652 and 6805 of 2024

W.A(MD)No.896 of 2024:-

The Tiruchirappalli District Cricket Association,
represented by its Secretary,
Tiruchirappalli-620 017.

... Appellant

vs

1. Anna Nagar Cricket Club,
represented by its Secretary,
Lawrence Jeyaseelan,
Trichy District.

2. The District Registrar (Admn),
Tiruchirappalli.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 25.09.2023 passed in W.P(MD)No.346 of 2022.

For Appellant	: Mr.Hema Sampath Senior Counsel for Mr.M.Saravanan
For R2	: Mr.B.Saravanan



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W.A(MD)No.915 of 2024:-

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The Tiruchirappalli District Cricket Association,
represented by its Secretary,
Tiruchirappalli-620 017.

... Appellant

VS

1.A.Senthilkumar

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

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

4.Dr.R.Ramasubbu,
President,
The Tiruchirappalli District Cricket Association,
Tiruchirappalli-620 017.

5.Mr.D.Dhanapal,
Advocate cum Election Officer,
Tiruchirappalli.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order of this Court dated 25.09.2023 passed in W.P(MD)No.23259 of 2023.

For Appellants	: Mr.Hema Sampath Senior Counsel for Mr.R.Ponkarthikeyan
For R1	: Mr.J.Barathan
For R2 and R3	:Mr.B.Saravanan



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COMMON JUDGMENT

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(Judgment of this Court was delivered by **G.ARUL MURUGAN, J.**)

Since both the Writ Appeals arise out of a common order, dated 25.09.2023, by consent both the Writ Appeals are heard together and disposed of by this common order.

2. W.A(MD). No.896 of 2024 is preferred by the appellant Cricket Association challenging the order passed in W.P.(MD) No. 346 of 2022 filed by the first respondent/Anna Nagar Cricket Club, wherein, the Writ Petition was allowed in so far as granting voting rights to the Writ Petitioner by treating them as having participated in the knock out tournament 2021-22, provided, if they are otherwise eligible.

3. W.A(MD). No.915 of 2024 is directed against the order passed in W.P.(MD) No.23259 of 2022 preferred by an individual against the appellant Cricket Association and other authorities, wherein, the Writ Court disposed of the Writ Petition by directing the Government to ensure that the



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directions issued by this Court in ***S.Nithya vs Secretary to Governance and others case, [2022 (3) CTC 739]***, as confirmed by the Division Bench, is followed in letter and spirit with regard to the membership before conducting any election.

4.Mrs.Hema Sampath, learned Senior Counsel appearing for the appellant argued that in so far as the order passed by the Writ Court by allowing Anna Nagar Cricket Club to have the voting rights, is against the bye-laws of the appellant Association. It is further contended that only the Clubs, that have participated in the qualifying knock out tournaments for a consecutive period of five years without any break, shall have eligibility to vote in the election and when the Writ Petitioner Club had not participated in the knock out tournament, 2021-22, definitely, they cannot have a voting right. The learned Senior Court further contended that even though the Club had paid necessary fees on 19.12.2021 and have received registration form, they have not submitted the filled-in forms within the cut off date, which should have been made on or before 20.12.2021 at 05.00 pm. When the Club had not participated in the knock out tournament and the tournament itself had been over, the relief claimed has become infructuous, but however, the Writ Court had went ahead and issued orders holding that the

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Club is entitled to vote, which is erroneous and un-sustainable, the learned Senior Counsel contended.

5.The learned Senior Counsel, in so far as W.A(MD)No.915 of 2024, submitted that the appellant Association had undertaken the activities strictly in adherence to the bye-laws and also the election to elect the office bearers of the appellant Association had been carried on in consonance with the bye-laws. The learned Senior Counsel further submitted that the conduct of the election was going on in a fair and proper manner and only based on some baseless allegations, the learned Judge had issued directions to the Government to ensure that the directions passed in the Nithya's case with regard to the membership before conducting the election are followed. The learned Senior Counsel further contended that the directions issued in Nithya's case are totally not connected to Cricket, wherein, those directions were passed in respect of Athletics and other activities. The learned Senior Counsel further submitted that in view of the orders passed in the Writ Petition, the appellant Association is not able to complete the election process to elect office bearers, as the Government had not yet brought about any specific laws in this regard. The learned Senior Counsel further submitted that these Writ Petitions were filed, just prior to the election and

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the direction issued by the learned Judge is erroneous and unworkable, that too when the Writ Petition filed as against the appellant, which is a private Society, is not at all maintainable. Therefore, the learned Senior Counsel sought for indulgence of this Court to intervene in the orders passed by the Writ Court.

6.Mr.B.Saravanan, learned Counsel for the first respondent submitted that the appellant Association had not been conducting the affairs in a proper manner, as a result of which, the players, who are representing the District and State Cricket teams, are getting affected and there were several irregularities in the election process undertaken by the appellant Association. The Writ Court had rightly interfered and had only directed the Government to ensure that the directions issued by this Court are followed in letter and spirit before conducting any election and it is perfectly valid and does not warrant any interference by this Bench and sought for dismissal of the appeals.

7.Heard the learned Counsel on either side and perused the materials available on record.



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recommend players to the BCCI to represent the country in Team India.

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11. At each district, there is a Cricket Association, which is incharge and control over the Cricket game played in that district. Under the Tamil Nadu Cricket Association, there are nearly 149 member Clubs playing Cricket and 37 District level Cricket Association. Each District Cricket Association have their own bye-laws and in fact, the Tamil Nadu Cricket Association and all the District Cricket Associations are only societies, which are registered under the Societies Registration Act. The District Cricket Association conducts tournament at district level and the member Clubs under the District Cricket Association participated in the tournaments and they also have the right to vote to elect the office bearers of the District Cricket Association.

12. The role of the District Cricket Association assumes significance because, the players in the rural and village level in each district, who play Cricket by joining in their respective Clubs are identified and recommended by these District Cricket Associations to the Tamil Nadu Cricket Association, where, they get a chance to represent in the national team and thereafter, they also have a chance to be recommended to the BCCI for

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representing the Team India in international matches. Therefore, all these

District Cricket Associations are autonomous bodies performing the functions akin to the State, as they are having the authority to select the players to represent the State and thereafter, even to represent the country and therefore are amenable to the jurisdiction of this Court under Article 226 of the Constitution of India.

13. Even in the case of ***Board of Control for Cricket in India vs Cricket Association of Bihar and others***, reported in ***(2015) 3 SCC 251***, the Hon'ble Supreme Court held that any sport Organisation, which had control over any Association or Club or Federation, will have to act with utmost transparency with fairness in action and is subject to judicial review.

14. When the entire game including selection of players is being controlled by the District Cricket Association, the Association shall perform their activities with transparency and fairness and also the Association must be represented by eminent sport persons, who have a better knowledge in the game. Only for the purpose of receiving funds, if the entire District Cricket Association are represented by the office bearers, who make the financial contributions alone, they will not be in a position to identify or

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appreciate the players and thereby, the players at the rural areas will be only at the mercy of these persons, who do not have any special knowledge about the abilities of the players in the cricket game is concerned. The District Cricket Association and also the Tamil Nadu Cricket Association, are all private autonomous bodies and as the State does not have any control over them, are completely controlled by the office bearers elected.

15. When an issue raised by a sport person in respect of the selection and conducting of athletes came up for consideration, a learned Single Judge of this Court in the case of *S.Nithya vs Secretary to the Union of India and others*, reported in **2022 (2) CTC 739**, after holding that the Writ Petitions are maintainable, following the judgments of the Hon'ble Supreme Court and after having found several anomalies and further as there was no legislative frame work available in the State for regulating the Associations, which played an important role in the selection of athletes for the participation at the national level, issued a compendium of directions, which are extracted hereunder for ready reference:

“VI.DIRECTIVES ISSUED:

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



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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



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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



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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."

16. Therefore, till the Government comes out with a proper legislative frame work, the directions issued in Nithya's case holds the field. In the appeal preferred as against the said order, the Division Bench by a decision reported in **(2022) 5 MLJ 1**, upheld the decision after holding that the Writ Petitions are maintainable and also upheld the power of the Writ Court to issue directions. The relevant portion of the decision is extracted hereunder for easy reference:

"21.Further in the matter of Board of Control for Cricket in India v. Cricket Association of Bihar & Ors¹⁷, the Hon ble Supreme Court of India appointed Justice Lodha Committee, which in its report recommended as follows:

"19. ADMINISTRATION OF THE BCCI

(1)& & &

(2) The day-to-day management of the BCCI shall be conducted by professionals in both cricketing and non-cricketing matters."

The Hon ble Supreme Court in paragraph No.25 appointed the Cricket Advisory Committee consisting only of reputed former International Cricketers.

22.The XIII Olympic Congress, in consonance with Basic Universal Principles of Good Governance of the Olympics and



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Sports Movement, resolved that the Athletes should be involved in decision making with full voting rights. The Ministry of Youth Affairs and Sports, Government of India, vide its communication dated 17.05.2010, to the Olympic Association and all recognized National Sports Federation with insisted on compliance to the said guidelines. The said communication is Annexure XIV of the National Sports Code, 2011, which was also fully extracted in the Judgment under appeal and we reproduce paragraph No.7 of the same, which is as hereunder :-

“7. The Resolution passed by the XIII Olympic Congress, also underlines the essentiality of athletes' involvement in decision making, with full voting rights; and establishment of grievance redressal mechanism for athletes. As you are aware, these requirements form an integral part of the Government guidelines (initially notified in 1975, and modified in 1997 and 2001). But unfortunately, the majority of NSF's including IOA are yet to fully implement these basic principles of good governance.”

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



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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.

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."

17. Therefore, the directions issued in Nithya's case in respect of functioning of the Sports Organization/Clubs/Associations, as confirmed by the Division Bench, has to be strictly adhered to in so far as the functioning



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and manner of election and the activities to be undertaken by the Clubs and Associations, are concerned.

18. In the instant Writ Appeals, as far as the claim of Anna Nagar Cricket Club is concerned, the appellant Association in order to conduct a knock out tournament for the year 2021-22 to fill up the two vacancies in the V Division, had issued a circular on 01.12.2021 inviting applications. The Teams, who are interested to participate in the Tournament, have to convey their interest in the prescribed form that would be supplied by the appellant, which would be given after the payment of necessary fees. The intending team has to pay a sum of Rs.6,250/- in the name of the appellant Association through on-line and pursuant to the payment, registration form would be issued and thereafter, the filled-in form has to be submitted to the appellant on or before 20.12.2021. The Writ Petitioner was not allowed to participate in the tournament, even after the payment of necessary fees on the ground that they have not submitted the application within the cut off date.

19. As only the Club, that had participated in the tournament for a consecutive period of five years alone would be entitled to vote in the

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election to be held in so far as electing office bearers of the appellant, even though the tournament was over, the learned Judge after taking note of the fact that in spite of paying the necessary fees and the Club having participated in all the earlier matches had not been allowed to participate in the tournament only to prevent them from participating in the election by exercising their vote, had allowed the Club to have the right to vote by considering that they have participated in the 2021-22 tournament.

20. When the respondent Club had admittedly received the form and also paid the prescribed fees by online, the stand taken by the appellant that the respondent Club was not allowed to participate in the tournament, since the form was not submitted before the due date, was rightly rejected by the learned Judge and when the appellant Association is incharge of the entire game of Cricket in so far as the district is concerned, which includes the selection of players to the district level and also to recommend them further to the national level and international level, the action of the appellant should be transparent and fair and in such circumstances, we do not find any error in the order passed by the learned Judge in allowing the Club to have the right of vote and therefore, the order of the learned Judge is to be sustained and accordingly sustained.

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21. As far as the Writ Petition filed by the individual is concerned, serious allegations have been made in the manner of election, that is undertaken by the appellant Association. In fact, it is alleged that the appellant Association is to conduct a secrete election on 23.09.2023 without even issuing any paper publication about the general body meeting. Several other allegations had also been made in respect to the irregularities in the appellant Society including the submission of Form-VII, amendment of bye-laws, inclusion and exclusion of members. Further, it is alleged that draft voters list was not published and objections were not called for from the members. Further, by order, dated 04.02.2019, the third respondent/District Registrar of Societies held that the decision of the appellant regarding addition and deletion of members are invalid, but however, had directed the parties to workout their remedy before the civil Court regarding election. This order was challenged in W.P.(MD)No.1515 of 2021 and even though the order, dated 04.02.2019 was stayed in the Writ Petition, still the President of the appellant Association had proceeded to conduct the election.



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22. The learned Judge, after taking note of the above factual aspects and also finding that the activities of the appellant Association and the election process has to be done in a proper manner, had directed the Government to follow the directions issued in Nithya's case, cited supra, as confirmed by the Division Bench, before proceeding with the election. When the direction issued in Nithya's case in respect of activities of the Clubs and Associations regarding sports activities in the State has become final, it is imperative on the Clubs and Associations to follow the directions issued and it is for the Government to ensure that the activities and the process of elections are undertaken in the manner set out in the directions, as the Clubs and the Associations are involved in the selection of players at the district level, national level and also international level representing the Country.

23. In so far as the argument of the learned Senior Counsel for the appellant that the appellant Association is a private body and the Writ Petition filed against the appellant is not maintainable cannot be accepted, as the law has been well settled by the decision of the Hon'ble Supreme Court in **BCCI** case (referred supra) and also the subsequent pronouncements that even though BCCI is not a State within the meaning of 19/23



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Article 12 of Constitution of India, still the BCCI is amenable under the Writ jurisdiction. In fact, in Nithya's case, the Division Bench, while confirming the position, has upheld the maintainability of the Writ Petition.

24. Further, the contention of the learned Senior Counsel for the appellant that the Writ Petition had been entertained just prior to the election on baseless allegation is liable to be rejected for the simple reason that in fact, even the District Registrar of Societies/third respondent, by order, dated 04.02.2019, held that the decision of the appellant Society regarding additional and deletion of the members are invalid, which shows that the appellant have not undertaken the election process in a transparent and fair manner. Further, the learned Single Judge had only directed the Government to ensure that the directions in respect of the membership had to be done by implementing the decision in Nithya's case, as confirmed by the Division Bench, in letter and spirit and the appellant Association need not be aggrieved, as it is for the appellant to conduct the affairs of the Association in a transparent and fair manner, which includes the conduct of the election. Further the appellant Association cannot have grievance or exemption from following the directions issued in respect of the functioning of the Clubs and Associations.

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25. Even though the learned Senior Counsel contended that in view of the impugned order passed by the learned Judge, they are not able to proceed with the election, we are not able to appreciate the same, as it is always open to the appellant Association to conduct the activities and carry on the election process in compliance of the direction issued in Nithya's case with the approval of the Government.

26. For all the above reasons, we do not see any error or irregularity in the order passed by the learned Judge for the intervention of this Court. In view of the same, the orders passed by the learned Judge are sustained and resultantly, the Writ Appeals stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J] & [G.A.M., J]
12.06.2024

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

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

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

3.The District Registrar (Admn.),
Tiruchirappalli.



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Common judgment made in
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