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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 16812/2024
SHYAM SUNDAR

.....Petitioner

Through: Mr. Anil Airi, Sr. Adv. with Mr.
Yashvardhan, Ms. Kritika Nagpal,
Mr. Gyanendra Shukla, Mr. Pranav
Das, Advocates.

versus

UNION OF INDIA THROUGH MINISTRY OF YOUTH
AFFAIRS AND SPORTS & ORS.

.....Respondents

Through: Dr. Vijendra Singh, CGSC with
Mr. Devvrat Yadav, Advocate for
R-1.
Mr. Hrishikesh Baruah, Mr. Parth
Goswami, Mr. Akshay Kumar, Mr.
Anurag Mishra, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.12.2024**
CM APPL. 71141/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16812/2024 & CM APPL. 71142/2024 (stay)

1. The present writ petition is at the instance of a former member of the governing council of the Indian Golf Union ["IGU"]– respondent No. 2, which is a National Sports Federation within the meaning of the National Sports Development Board. The petitioner has filed this writ



petition with regard to the election to the Governing Council of respondent No. 2 for the period 2024-2026.

2. The prayers in the writ petition are as follows:

“A. Issue a writ, order or direction more specifically in the nature of mandamus thereby directing the Respondent No. 2 to conduct the election in adherence to the extant law, rules and regulations;

B. Issue a writ, order or direction more specifically in the nature of mandamus thereby directing the Respondents that election to Respondent No. 2 federation be conducted under supervision of one (1) Returning Officer only;

C. Issue a writ, order or direction more specifically in the nature of prohibition thereby prohibiting the Respondents from conducting the election to post of Office Bearers and Members of Governing Council of Respondent No. 2 i.e. Indian Golf Union for the year 2024-2026;”

3. Mr. Anil Airi, learned Senior Counsel for the petitioner, submits that the election process commenced with a notice dated 14.11.2024, issued by the Honorary Secretary of IGU, fixing the Annual General Meeting of IGU on 15.12.2024. The time and place of the meeting were also stated in the said notification. One of the agenda items was the election of office bearers and members of the governing council for the years 2024-2026.

4. Pursuant to this notification, respondent No. 3, a former Judge of the Allahabad High Court, was appointed as the Returning Officer [“RO”] and notified an election schedule. It appears from the record that the petitioner raised a dispute with regard to the eligibility of five State associations – i) *Himachal Pradesh Proam Golf Association*, ii) *Arunachal Pradesh Golf Association*, iii) *Madhya Prant Golf Association*, iv) *Nagaland Golf Association*, and v) *Sikkim State Golf Association*, to participate in the election.

5. Respondent No. 3 issued an order dated 25.11.2024, holding that



said five associations were not entitled to take part in the ongoing election process and that their names could not appear in the electoral college. However, by a further order dated 27.11.2024, he held that order dated 25.11.2024 was invalid as it had been passed without hearing the concerned associations. After hearing the associations, he directed that the said order was liable to be ignored and the five associations would be entitled to take part in the forthcoming elections.

6. Although the writ petitioner has also annexed to the petition a further order passed by the respondent No. 3 on 30.11.2024, it is averred in paragraph 10(xvii) of the writ petition, that respondent No. 3 informed the office bearers of respondent No. 2 on 28.11.2024 that he had resigned from the post of RO.

7. Respondent No. 4, who is a former Chief Justice of the Sikkim High Court, was thereafter appointed as the RO and issued a revised election schedule on 02.12.2024. The date of the election was however maintained as 15.12.2024.

8. It is in this context that the petitioner has sought the directions extracted above.

9. Mr. Hrishikesh Baruah, learned counsel, appears for the respondent No. 2 on advance notice. He submits that respondent No. 4 has also since resigned as the RO and a third RO has been appointed, being Justice Rameshwar Malik, a former Judge of the Punjab and Haryana High Court. He states that elections are being conducted by the RO in accordance with the Memorandum of Association and Rules and Regulations of the IGU and the Model Election Guidelines to be followed by National Sports Federation, which is applicable by virtue of Clause 26



of the Memorandum and Articles of Association of the IGU.

10. The contention of Mr. Baruah is that under the Model Election Guidelines, the electoral college is to be notified by the President/Secretary General of the IGU, and the list transmitted to the Election Officer. He states that this task has already been undertaken, and the five state associations mentioned in the petitioner's complaint are not included in the electoral college.

11. In view of the aforesaid submissions on behalf of the IGU, Mr. Airi states that the petitioner's grievances have been satisfied and no further orders are required in this writ petition.

12. The writ petition, alongwith the pending application, is disposed of. However, it is made clear that neither the five associations nor any other party has been heard at this stage, and these submissions have been recorded without prejudice to their rights and contentions. The directions sought in the writ petition are against the IGU itself and, according to the petitioner, the contentions of the IGU satisfy the aforesaid reliefs.

13. The rights and contentions of all other parties with regard to the pending elections are, therefore, left open.

PRATEEK JALAN, J

DECEMBER 5, 2024

"Bhupi/JM"/