

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 667 OF 2025

Mahesh Balu Gavade And Anr

...Petitioners

Versus

Maharashtra State Kabaddi Association Through  
President And Ors

...Respondents

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Adv. Aditya Raktade a/w Dnyanesh Patil a/w Anup Kamble, for the Petitioners.  
Adv. Shrirang Katneshwarkar i/b Ganesh Gadhe, for Respondent No. 1.  
Ms. S.S. Bhende, AGP for State.

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CORAM : G. S. KULKARNI &  
ADVAIT M. SETHNA, JJ.

DATE : 17 FEBRUARY 2025

P.C.:

1. This writ petition under Article 226 of the Constitution of India is filed primarily praying for reliefs that respondent no. 2 needs to conduct proper and fair election in accordance with the Sports Code and guidelines issued by the Hon'ble Delhi High Court in its judgment dated 10 February 2023 in the case of K.P. Rao vs. Union of India as also in the decision dated 16 August 2022 in the case of Rahul Mehra vs. Union of India. There is also prayer that a appropriate person or authority be appointed to hold elections of respondent no. 2, as per the provisions of the Sports Code and the decisions as noted by us hereinabove.

2. This petition was filed on 4 January 2025. The Additional Government Pleader has received instructions from the Deputy Charity Commissioner, Kolhapur, Region Kolhapur wherein it is stated that the election officer was duly appointed under the orders which were passed in that regard as also an election programme was also notified on 28 December 2024. The elections were held after a prior procedure being followed on 8 January 2025 between 11:00 a.m. to 4:00 p.m, in the office of the association. A copy of the election program placed on record and marked as “X” for identification. It is stated that accordingly, on the election being held, a new elected body is now managing the affairs of respondent no. 2. It is stated that in regard to such election a Change Report No. 76 of 2025 is filed on 27 January 2025 in the office of the Deputy Charity Commissioner and is pending adjudication before the authority.

3. In the aforesaid circumstances, we are of the opinion that, it would be appropriate for the petitioner to raise all contentions as raised in the present petition in the adjudication of the change report if the same is intended to be opposed by the petitioner.

4. Let any such objection be filed within four weeks from today. The Change report needs to be expeditiously considered, more particularly considering the legal contentions as urged on behalf of the petitioner, which according to the petitioner were required to be followed in holding

the elections. Thus the case of the petitioner would be required to be urgently considered and adjudicated by the Deputy Charity Commissioner, in passing an order on the Change Report.

5. Accordingly keeping open all the contentions of the parties on the pending change reports, we are inclined to dispose of this petition. However with a direction that the change report be decided by the Deputy Charity Commissioner as expeditiously as possible and in any event within a period of three months from the date copy of this order is placed before the Deputy Charity Commissioner.

6. Disposed of. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]