

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4245 OF 2025

1. Maharashtra Olympic Association (MOA)
 2. MOA Ad-hoc Committee for
Maharashtra Boxing Association
 3. Pune District Boxing Association
- ...Petitioners

Versus

1. Union of India
 2. Boxing Federation of India
 3. Ajay Singh
 4. Hemanta Kumar Kalita
 5. Justice R. K. Gauba (Retd.)
 6. Ad-hoc Committee of Maharashtra
Boxing Association
- ...Respondents

Mr. Aseem Naphade with Mr. S. B. Pawar, Ms. Swati Sawant, Ms. Nikita Jacob and Mr. Aditya Gatlewar i/b. S. K. Legal Associates LLP for the Petitioners.
Mr. Chandrakant Chavan for Respondent No.1/UOI.
Mr. Vinod Sangvikar, Mr. Yogesh Morbale and Mr. Siddheshwar Galande for Respondent No.2.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATE : 26 MARCH 2025

P.C.:

1. This is a petition filed under Article 227 of the Constitution of India (for short, “the **Constitution**”) praying for the following reliefs which are in the context of election to be held by the Returning Officer for Boxing Federation of India Election (respondent no.2):-

“a) this Hon’ble Court be pleased to issue the writ of certiorari and/or any other appropriate writ / order under Article 227 of the Constitution of India, call for records and proceedings in relation

to the impugned order passed by Respondent No. 5 dated 15th March, 2025 (Exhibit “D” hereto) and the impugned Electoral College List dated 12th March, 2025 (Exhibit “A” hereto) and after going through the legality and validity of the same, be pleased to quash and set aside the Impugned Order and Electoral List passed by Respondent No.5 in respect of Respondent No.2’s elections;

b) this Hon’ble Court be pleased to issue the writ of mandamus and/or any other appropriate writ or order under Article 227 of the Constitution of India, call for the records and proceedings of the said election i.e. Boxing Federation of India Election, 2025 and stay the further schedule / process of the said election.

c) this Hon’ble Court be pleased to pass necessary order / direction and direct Respondent No.5 herein i.e. Returning Officer for the election of Boxing Federation of India 2025 to forthwith add/include names of the 2 nominees nominated by the Petitioners in the list of Electoral College and issue revised list of Electoral College and allow the nominees nominated by the Petitioners to participate in the said election, and to issue a revised election schedule if necessary.

d) That this Hon’ble Court be pleased to direct Respondent No.2 to send an observer for Petitioner No.2’s overdue elections as per the election date to be scheduled by the Petitioners through Petitioner No.2;

e) pending the hearing and final disposal of the present petition, this Hon’ble Court be pleased to pass necessary order/direction and direct Respondent No.5 herein to not proceed further with further schedule of Boxing Federation of India Election 2025 without including the names of the nominees nominated by the Petitioner.

f) pending the hearing and final disposal of the present petition, this Hon’ble Court be pleased to pass necessary order/direction and stay the further process and schedule of the Boxing Federation of India Election 2025.

g) pending the hearing and final disposal of the present petition, this Hon’ble Court be pleased to pass necessary order/direction to restrain Respondent Nos.2, 3, 4 and 6 from, in any manner, interfering with the administration and affairs of Petitioner No.2 i.e. Maharashtra Boxing Association and to duly cooperate with the Petitioners in terms of nomination/ selection of boxers and for holding of Petitioner No. 2’s elections as decided by the Petitioners;

h) that the ad-interim and interim reliefs in terms of prayer clauses (a) to (d) above be granted.”

2. As the reliefs are sought under Article 227 of the Constitution, it would be appropriate to note the provision of the said Article which reads thus:-

“227. Power of superintendence over all courts by the High Court.

[(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.]

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

- (a) call for returns from such courts;
- (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and
- (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.”

(emphasis supplied)

3. We do not find that the relief as prayed for would fall under Clause (1) of Article 227.

4. Considering the averments of the petition and the prayers as made

therein, certainly in our opinion, this Court cannot be called upon to exercise its supervisory jurisdiction under Article 227 of the Constitution, in regard to the elections which are being held by respondent no.5 and that too on rejection of any nomination of the candidates purportedly being made by the petitioner.

5. We are also not convinced with the frame of the petition, more particularly when the petition is primarily filed in the interest of petitioner no.2 which is described as 'MOA Ad-hoc Committee for Maharashtra Boxing Association' which is stated to be a public trust registered under the Bombay Public Trusts Act, 1950. On a query being made as to whether there is any independent registration qua petitioner no. 2, namely, the 'MOA Ad-hoc Committee for Maharashtra Boxing Association', the petitioners are unable to produce such documents of petitioner no.2 to be any independent body registered under the Bombay Public Trusts Act. Thus, even on this count, petitioner no.2 being not a legal person or an entity cannot maintain a petition.

6. We may also observe that even in invoking the jurisdiction of this Court under Article 227 of the Constitution, the petitioners ought not to have approached this Court and more particularly when 'MOA Ad-hoc Committee for Maharashtra Boxing Association' is not a public trust by

itself.

7. Be that as it may, the elections in question are scheduled to be held on 28 March 2025, which is within a period of two days from today. Thus, in any event the election process is at the final stage, which would be conducted within a period of two days from today as noted hereinabove. If the petitioners at all have any legal rights, they are free to assert such rights in assailing the elections. We cannot interfere in the election process in such petition as described by us.

8. In this view of the matter, we are of the clear opinion that this petition as filed under Article 227 of the Constitution is wholly misconceived. It is accordingly rejected. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]