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

+ W.P.(C) 5803/2023 & CM APPL 22727/2023

MANOJAN RAJAN AND ORS.

..... Petitioners

Through: Mr. C. Mohan Rao, Senior Advocate
alongwith Mr. Sravan Kumar, Mr. P. Santosh
Kumar, Ms. Medha Singh & Mr. Mohit K. Jakhar,
Advocates

Versus

AMATEUR KABADDI FEDERATION OF INDIA (AKFI) AND
ORS.

..... Respondents

Through: Ms. Nandita Rao, Advocate for
respondent No. 1

Mr. Anil Soni, CGSC alongwith Mr. Devvrat
Yadav, G.P. & Mr. Prateek Rana, Advocate for
respondent no. 2

Mr. Karn Bhardwaj, ASC for GNCTD with Mr.
Aayush Gautam, Advocate for respondent no. 3
Mr. Shantanu Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

04.05.2023

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1. Heard learned senior counsel appearing on behalf of the petitioners.
2. Learned senior counsel appearing on behalf of the petitioners submits that the Electoral College finalised by respondent no.1 consists of as many as 13 ineligible voters. According to him, if the directions issued by this court in the order dated 10.02.2023 in the batch of writ petitions bearing number W.P. (C) 8915/2019 (being the main matter) and other connected



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matters, are perused, the same would indicate that the members of Electoral College must be in compliance with the National Sports Code and Model Election Guidelines. While taking this court through paragraph no. 12 of the petition, he explains the reasons for disqualification of the 13 members. Placing reliance on paragraph nos.60 and 62 of the decision passed by this court, he states that the Returning Officer has erred while issuing the election notification dated 22.04.2023.

3. Learned counsel appearing on behalf of respondent no.1 opposes the submissions and she submits that if the decision passed by this court on 10.02.2023 is perused, the same would indicate that there is no violation by respondent no.1 in including the names of the 13 objected members. She explains while reading various paragraphs of the said decision, that there is no such embargo in nominating them to be the voters.

4. I have perused the pleadings made by the petitioners and the decision referred by learned counsel appearing on behalf of the parties.

5. It is seen that this matter requires consideration. This court is of the *prima facie* view that a person who is not concerned with the relevant sport activity cannot be nominated as a voter on behalf of any State. However, this *prima facie* observation is subject to further hearing of learned counsel for the respective parties.

6. Issue notice.

7. Learned counsel appearing on behalf of respondent nos.1 and 2 accept notice respectively.

8. At this stage, notice to respondent no. 3 is not necessary.

9. Let the counter affidavit be filed within two weeks from today.



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Thereafter, rejoinder, if any, be filed within two weeks.

10. List on 24th July, 2023.

11. Subject to hearing the respondents, there shall be stay of the impugned notification dated 22.04.2023.

PURUSHAINDRA KUMAR KAURAV, J

MAY 4, 2023

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