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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.

..... Petitioner

Through: Mr.C.Mohan Rao, Sr.Advocate with
Mr.Sravan Kumar, Mr.Mohit K.Jakhar, Mr.P.
Santosh Kumar and Mr.Akshay Mann, Advocates.

versus

AMATEUR KABADDI FEDERATION OF INDIA (AKFI) AND
ORS.

..... Respondent

Through: Ms.Nandita Rao, Advocate for R-1.
Mr.Gurbaksh Singh, Advocate for R-2.
Mr.Anil Soni, CGSC and Mr.Devvrat Yadav, G.P.
Mr.Aayush Gautam, Advocate for R-3.
Mr.Ninad Laud, Mr. Karan Mathur, Mr.Anjuman
Tripathy and Mr.Aditya Pratap Swain, Advocates
for R-4 to R-19.
Mr.Avtar Singh, Advocate for DSKA.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **25.05.2023**

CM APPL. 25095/2023 (Vacation of Stay)

1. Heard learned counsel appearing on behalf of respondent nos.4 to 19.
2. Learned counsel appearing for respondent nos.4 to 19 while placing reliance on a decision of this court in the case of *The Yachting Association of India v. Boardsailing Association of India*¹, and other decisions, submits

¹ 2013 SCC Online Del 3235



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that this court does not have the jurisdiction to entertain the instant petition at the fag end of the election process, where only the final step i.e. the casting of votes remains. According to him, the restrictions applicable to the exercise of the court's jurisdiction under Article 226 in the cases of Parliamentary and State Legislature elections will also be applicable in the case of elections of National Sports Federations (NSF).

3. He, therefore, states that since 2019 there has not been any election and the affairs of the NSF are being run by the Administrator and according to him it would be appropriate if a democratically elected body takes over its charge and run the affairs of the NSF.

4. He further submits that the entire petition is misconceived and the prayer made herein is in violation of the National Sports Development Code of India, 2011 (National Sports Code). He specifically refers to Clause 9.3 (xii) of the National Sports Code and Clause 3.20 of the 'Guidelines For Recognition Of National Sports Federations' of the same to reiterate that the Electoral College was formed in compliance with the provisions of the National Sports Code.

5. Additionally, he states that in the instant petition, the petitioners approached this court a mere 48 hours before the casting of votes was to commence. While taking all the aforesaid grounds he states that the interim order passed by this court dated 04.05.2023 needs to be vacated.

6. I have heard learned counsel appearing for respondent nos.4 to 19 and have also perused the order passed by this court on 04.05.2023.

7. The issue involved in the instant petition is with regard to the eligibility of the representatives who can vote on behalf of the State Sports



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Federation.

8. This court, besides other reasons granted stay of the upcoming elections of respondent no.1 *vide* order dated 04.05.2023 mainly on the ground that persons who do not have any relation with the concerned sport cannot possibly be representatives or voters on behalf of the State Sports Federation.

9. Since the issue involved in the instant petition needs to be adjudicated on merits, this court is not inclined to vacate the stay order dated 04.05.2023. Therefore, the application for vacating the stay order dated 04.05.2023 stands rejected.

10. According the application stands disposed of.

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1. Learned counsel appearing on behalf of respondent no.1 points out that on verification, it has been found that Delhi State Kabaddi Association (DSKA) is also an affiliated unit of respondent no.1. According to her, the converse has been noted in paragraph no.4 of the order dated 18.05.2023 and states that it may be corrected. In view of the aforesaid, paragraph no.4 of order dated 18.05.2023 is clarified to the extent that DSKA is also an affiliated unit of respondent no.1.

2. The parties are directed to file their written synopsis and relevant judgments to be relied upon by them before the next date of hearing. In addition, learned counsel appearing for respondent no.1 undertakes to file a common convenience compilation consisting of all relevant documents to be relied upon by the parties. Let the same be also circulated amongst the



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parties.

3. List on 24.07.2023.

PURUSHAINDRA KUMAR KAURAV, J
MAY 25, 2023/MJ