

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Third day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE DR.JUSTICE ANITA SUMANTH

W.P.No.4805 of 2022

AND WMP.No.4914 of 2022

M.THIRUVEL AZHAGAN @ OOMADURAI, [PETITIONER IN BOTH THE
S/O.MANI, NO.10, 58TH STREET, B BLOCK, PETITIONS]
ASHOK NAGAR, CHENNAI- 600 083.Vs

1 THE SECRETARY, [RESPONDENTS IN BOTH THE
MINISTRY OF YOUTH AFFAIRS AND SPORTS, PETITIONS]
ROOM NO.401, C-WING, SHASTRI BHAWAN,
NEW DELHI - 110 001.

2 AMATEUR KHABADDI FEDERATION OF INDIA,
THROUGH THE LEARNED ADMINISTRATOR,
E-386, CABIN B (BASEMENT),
GREATER KAILASH-I,
NEW DELHI - 110 048.

3 THE SECRETARY TO THE GOVERNMENT
OF TAMIL NADU, YOUTH WELFARE AND SPORTS
DEVELOPMENT MINISTRY, CHENNAI- 600 009.

4 THE MEMBER - SECRETARY AND
AUTHORIZED SIGNATORY, SPORTS DEVELOPMENT
AUTHORITY OF TAMIL NADU, NO.16-A,
E.V.R.PERIYAR HIGH ROAD, NEHRU PARK,
CHENNAI-600 084.

5 THE PRESIDENT,
TAMIL NADU AMATEUR KABADDI ASSOCIATION,
MGR STADIUM, RACE COURSE ROAD,
MADURAI - 625 002.

6 THE SECRETARY,
TAMIL NADU AMATEUR KABADDI ASSOCIATION,
NO.455-A, KULLIKUDI K.CHETTIPALAYAM,
AYYAM PALAYAM ROAD, K.N.P-COLONY (PO),
TIRUPUR - 641 608.

7 THE SECRETARY,
CHENNAI DISTRICT AMATEUR KABADDI ASSOCIATION,
PEYANDIAMMAN KOVIL STREET, KAMARAJAR ROAD,
MYLAPORE, CHENNAI - 600 004.

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue an order, direction or writs especially in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the Election Notification dated nil passed by the Seventh respondent and quash the same as illegal and direct the respondents 5, 6 and 7 to conduct the election as per the National Sports Development Code and directions of this Hon'ble Court in W.P.No.3447 of 2019 dated 19.01.2022 (IN W.P.No.4805/2022) and

(ii) To grant in order of INTERIM STAY for operation of the Election Notification dated nil passed by the Seventh respondent (IN WMP.No.4914/2022) pending disposal of the above W.P.No.4805/2022.

Order : This petition and writ miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.M.VIJAYAN, Senior Counsel for M/S.R.MURALI, Advocate for the Petitioner in both the petitions and of MR.R.SUBRAMANIAN, Central Government Standing Counsel for the 1st Respondent and of MR.D.GOPAL, GOVERNMENT ADVOCATE on behalf of the 3rd Respondent in both the Petitions, the court made the following order:-

Mr.R.Subramanian, learned Central Government Standing Counsel accepts notice for R1 and Mr.D.Gopal, learned Government Advocate accepts notice for R3. They seek sometime to obtain instructions and file counters.

2. Notice through Court as well as privately to R2 and R4 to R7, returnable 23.03.2022. Proof of service be placed on file by then.

3. The impugned election notification proposes to conduct the entirety of the process of election on 04.03.2021 as per the following schedule:

தேர்தல்	தேர்தல் நாள்	தேர்தல் நேரம்
மனு நாள்	04,03,2022	காலை 09.00 மணி முதல் 10.00 மணி வரை
மனு பரிசீலனை	04,03,2022	காலை 10.00 மணி முதல் 10.30 மணி வரை
மனு வாபஸ்	04,03,2022	காலை 11.00 மணி

தோத்தல்	தோத்தல் நாள்	தோத்தல் நேரம்
வேட்பாளர் இறுதி பட்டியல்	04,03,2022	காலை 11.30 மணி
தோத்தல்	04,03,2022	மதியம் 11.30 மணி முதல் மதியம் 1.00 மணி வரை
தோத்தல் முடிவு	04,03,2022	மதியம் 02.30 மணி

4. The National Sports Development Code of India, 2011 (in short' Code') stipulates from clause 4 onwards the manner in which the elections are to be conducted, which must span a reasonable length of time allowing nominations to be filed and scrutinised, withdrawal of candidatures and thereafter the conduct of election and counting of votes.

5. Thus, the election schedule which is contested now, appears prima facie contrary to that prescribed under the Code.

6. Interim stay till the next date of hearing.

7. List on 23.03.2022. Counter/written instructions by then with an advance copy served upon the petitioner.

-sd/-

03/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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MINISTRY OF YOUTH AFFAIRS AND SPORTS,
ROOM NO.401, C- WING, SHASTRI BHAWAN,
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C.C. to M/S.R.MURALI, Advocate SR.NO. 1457/2022.

Order
in
W.P.No.4805 of 2022

AND WMP.No.4914 of 2022

Date :03/03/2022

From 26.2.2001 the Registry is issuing certified
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TP(03/03/2022) (IT)