

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(WP(C)) No. 322 of 2023

The Manipur Softball Association

... Applicant/s

Vs.

The Softball Association of India & 2 ors.

... Respondent/s

With

WP(C) No. 79 of 2023

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

02-11-2023

Heard Mr. Kh. Tarunkumar, learned senior counsel assisted by Ms. K. Mercy, learned counsel appearing for the petitioner; Mr. T. Momo, learned counsel appearing for respondent No. 2 and Dr. RK Deepak, learned senior counsel assisted by Mr. L. Rajesh, learned counsel appearing for the respondent No. 3.

[2] This matter is taken up today to consider the prayer for passing interim order as prayed for by the petitioner in the present writ petition. It has been submitted that the 45th Senior National Softball Championship for both men and women is going to be held in Srinagar from 4th November, 2023 onwards. The case of the petitioner is that the petitioner's association is the original and genuine Manipur Softball association and that they have already selected the players for both men and women after holding a State Level trial for their participation in the said tournament representing the State of Manipur. The main prayer made by the petitioner in the present writ petition is for quashing and setting aside the letter

dated 14-01-2023 from the Secretary General, Softball Association of India addressed to one Shri Kh. Tarunkumar, Advocate thereby intimating, inter alia, that the affiliation of the petitioner association in the Softball Association of India has been deaffiliated and accordingly, the petitioner's association will no longer be recognized by the Softball Association of India. The Senior counsel appearing for the petitioner submitted that the order for deaffiliation of the petitioner's association was never communicated or made known to the petitioner's association at any point of time and that no opportunity of being heard was given to them before taking such step for deaffiliation and as such the so called deaffiliation cannot have any validity in the eyes of law and accordingly, an interim order may be passed by this Court directing the respondent No. 1 & 2 to allow the teams selected by the petitioner's association to participate in the said tournament.

[3] Mr. T. Momo, learned counsel appearing for respondent No. 2 submitted that as per the rules and regulations, only the team sponsored by the State association which is affiliated to the Softball Association of India is permitted to participate in any tournament organised by the Softball Association of India and that as the petitioner's association has already been deaffiliated, the team sponsored by the petitioner's association cannot be allowed to participate in the said tournament. As regards the allegations made by the petitioner that the deaffiliation of the petitioner's association

was never communicated or that no opportunity of being heard was given to the petitioner association before any order of deaffiliation was passed, the learned counsel seeks some time to submit a detail counter affidavit. The learned counsel further submitted that the question as to whether the order of the deaffiliation was communicated to the petitioner's association or not is yet to be verified and accordingly, the learned counsel sought for sometime for filing a detailed counter affidavit.

[4] On the other hand, Dr. RK Deepak, learned senior counsel appearing for the respondent No. 3 raised preliminary issue with regard to the maintainability of the present application on the ground that there is defect of parties with regard to the respondent No. 1 and respondent No. 3 inasmuch as the respondent No. 1 cannot be represented by the President and that it should be represented by the Secretary General. The learned senior counsel further submitted that the respondent No. 3 has been made as a party in his individual capacity and that the association, namely, the Pony Baseball and Softball association has not been made as a party, accordingly, there is defect of parties. The learned senior counsel also submitted that the present application had been signed by the counsel of the petitioner and not by the petitioner and as such as per the High Court of Manipur Rules, 2019, particularly, Rule 10, Part-II, Procedure and Practice at Chapter-III, this is not permissible. The learned senior counsel lastly submitted that in

view of the said defects as pointed out, no interim order may be passed by this Court on the basis of the petition containing such defects.

[5] I have heard the rival submissions advanced by the learned counsel appearing for the parties at length and also examined the materials available on record. The point raised by the learned counsel appearing for the petitioner is that the petitioner's association is the original association and that they were never given any opportunity of being heard before their deaffiliation from the Softball Association of India and that the order of their deaffiliation was never communicated to them and as such, such deaffiliation has no validity in the eyes of law. Since the respondent No. 2 has not controverted the specific allegations raised by the petitioner in the present writ petition and since the learned counsel has submitted that the question as to whether the order of deaffiliation has been communicated or not is yet to be verified and sought some time for filing a detailed affidavit, this Court is of the considered view that for the limited purpose of allowing the players to participate in the 45th Senior National Softball Championship for both men and women, it shall be deemed that the deaffiliation of the petitioner's association is not valid in the eye of law. This observation has been made only on the basis of the submissions advanced by the learned counsel appearing for the parties and for the purpose of sending the team for participation in the 45th Senior

National Softball Championship and to ensure that the interest of the players does not suffer due to the pending litigation between the parties in the present writ petition. With regard to the preliminary objection raised by the senior counsel appearing for the respondent No. 3, it is to be pointed out that the Softball Association of India has been made party even though it has been represented by the president, however, this Court cannot also ignore the fact that the competent authority, i.e. the General Secretary, Softball Association of India is also made a party as respondent No. 2 in the present writ petition and accordingly, this Court left open the preliminary objection raised by the respondent No. 3 for adjudication at an appropriate time.

[6] With regard to the objection of defect of parties in respect of respondent No. 3, as no relief has been sought against the Pony Baseball and Softball Association Manipur, it is the tentative view of this Court that there is no requirement for incorporating the Pony Baseball and Softball Association Manipur as party in the present writ petition and that the respondent No. 3 has been made as a party in the present writ petition as certain allegation has been made against him in his individual capacity. In any case, since the respondents have not filed any counter affidavit in the present writ petition, this Court is of the considered view that all these objections and issues raised in the present writ petition can be decided at an appropriate time after the respondents are

given reasonable opportunity of filing their counter affidavits. For the purpose of ensuring and safeguarding the interest of the players with regard to participation in the 45th National Senior Softball Championship for both men and women, this Court is of the considered view that it will serve the interest of justice to direct the respondent No. 1 & 2 to allow the teams sponsored by the petitioner's association to participate in the 45th Senior National Softball Championship without any hindrance. Ordered accordingly.

[7] As prayed for, list this case again on 04-12-2023.

[8] Till the next date of hearing, earlier interim order passed in the main writ petition shall continue.

[9] Let a copy of this order be furnished to the learned counsel appearing for the parties through their WhatsApp during the course of the day for doing the needful.

JUDGE

Dhakeshori