



2023/KER/56119

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA,

1945

WP(C) NO. 29885 OF 2023

PETITIONER:

KERALA STATE TUG OF WAR ASSOCIATION
REG. NO. ER/ 621/1999, HAVING OFFICIAL ADDRESS
AT MADATHOTHU, PULINTHANAM P.O., POTHANICAD,
ERNAKULAM DISTRICT PIN - 686671
REPRESENTED BY ITS SECRETARY, SHAN MUHAMMED
BY ADVS.
SANTHAN V.NAIR
SHRI.R.RANJITH, SC, KOOVAPPADY GRAMA PANCH
SAFAL P. SALIM

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF
SPORTS AND YOUTH AFFAIRS, SASTHRI BHAVAN,
NEW DELHI, PIN - 110001
- 2 KERALA STATE SPORTS COUNCIL
OPPOSITE YMCA, YMCA ROAD, BEHIND SECRETARIAT,
STATUE, THIRUVANANTHAPURAM, PIN - 695001.
REPRESENTED BY ITS SECRETARY
- 3 TUG OF WAR FEDERATION OF INDIA
HAVING ADDRESS AT 301-302, DELHI CHAMBER
BUILDING, DELHI GATE, NEW DELHI, PIN - 110002
REPRESENTED BY ITS SECRETARY.
- 4 P. MOHANDAS
AIR VIEW APARTMENT, NO.3, ATHANI,
ALUVA, PIN - 683585
- 5 NAJUMUDHEEN
SEMATT, KANAYAKULANGARA, VEMBAYAM,
THIRUVANANTHAPURAM, PIN - 695615



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- 6 SATHEESH KUMAR K.N.
KOTTAKKAL HOUSE, MUPPATHADAM P.O., MILLUPADY,
ALUVA, PIN - 683110
- 7 AKHIL ANIRUDHAN
POTTEKKAT HOUSE, MAMBULLY ROAD, POST
KANDASSANKADAVU, TRISSUR DISTRICT, PIN - 680613
- 8 NEETHU M. S.
MADATHIL VEEDU, KOONTHALLOOR, CHIRAYINKEEHU
P.O., THIRUVANANTHAPURAM, PIN - 695304
BY ADVS.
Murleekrishnan R
J.OM PRAKASH
T.G.SUNIL (PRANAVAM)(K/223/1990)
C.X.ANTONY BENEDICT(K/000157/1990)
EMMANUAL SANJU(K/1596/2020)

SMT. LATHA ANAND, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20.09.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

The petitioner - Kerala State Tug of War Association (Association), impugns Ext.P12 order issued by the Tug of War Federation of India (Federation) on various grounds, primarily that it has been issued in a hasty manner and without adverting to any of the relevant and germane aspects.

2. Sri.R.Ranjit, learned counsel for the petitioner, vehemently argued that, even when the “Federation” does not obtain any power to dissolve the “Association”, it has done so through Ext.P12; and has then gone ahead to deaffiliate them from membership, solely for the reason that they had not responded to Ext.P7 communication issued to them earlier. The learned counsel explained that the reasons which led to the “Association” in not being able to respond to Ext.P7, was indited in Ext.P10, wherein, a request was made to the “Federation” to grant them one more month for such purpose. He pointed out that, however, without adverting to the said request, Ext.P11 communication was issued by the “Federation”; and then they went on to issue Ext.P12 in a rather hasty manner, not only to deaffiliate his client, but to



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dissolve it, which is impermissible in law. He thus reiteratingly prayed that Ext.P12 be set aside.

3. Sri.Sumeet Shokeen learned counsel appearing for the third respondent - "Federation" submitted that, as evident from Ext.P11, even though the petitioner - "Association" was directed to offer explanation to Ext.P7 within the time frame fixed therein, they chose not to do so; but, then preferred Ext.P10, seeking further time, which was found to be untenable and solely for the purpose of protracting the issue. He added that, in any event, this writ petition is not maintainable because the person who is shown to be representing the petitioner - "Association" is not its elected Secretary and hence has no competence to represent it. He then explained that, contrary to the afore submissions of Sri.R.Rajith, Ext.P12 does not dissolve the "Association", but only its Executive Committee, due to the non compliance of the National Sports Code, for which, his client has full competence under the applicable Rules and Regulations. He thus prayed that this writ petition be dismissed.

4. Smt.Latha Anand, appearing for 2nd respondent - Kerala Sports Council, however, affirmed that, as evident from



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Ext.P24, her client has accorded approval to the election of the person who is representing the petitioner; but submitted that her client is bound by Ext.P12 order issued by the “Federation”. She submitted that, therefore, her client will abide by any directions to be issued by this Court in this writ petition.

5. Sri.T.G.Sunil, learned counsel appearing for respondents 4 to 7 - who are the members of the “Adhoc Committee” appointed by the “Federation”, pursuant to Ext.P12, argued that the affairs of the “Association” was done in such lackadaisical and cavalier manner, that the “Federation” had no other option but to deaffiliate them; and that this cannot be found to be, in any manner, in error. He asserted that the reasons stated in Ext.P12 speaks for themselves, particularly because, even though the “Association” was asked to reply to Ext.P7, which contains certain specific imputations, they refused to do so, and unnecessarily sought time, through Ext.P10, without any tenable reason. He also thus prayed that this writ petition be dismissed.

6. I have evaluated the afore rival submissions, on the touchstone of the various materials available on record.



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7. As regards the competence of Sri.Shan Muhammed who is shown to be representing the petitioner “Association”, I do not think that it will be necessary for this Court to enter into the merits of the same at this stage, particularly on account of the submissions of Smt.Latha Anand. Of course, this is also a matter that the “Federation” can certainly consider, especially going by the Rules and Regulations applicable to them, including on the question whether there was a proper election and if the said person had been validly elected.

8. That said, when I examine Ext.P12, it is luculent that the primary reason stated by the “Federation” therein, for dissolving the Executive Committee of the petitioner - “Association”, and deaffiliating it from their membership, is that they did not cause any reply to Ext.P7 show cause notice, dated 01.08.2023. It also then records that the “Association” is *“in a sorry state of affairs”*(sic) and that *“immediate remedial steps are required to be taken to save the sport of Tug of War in the State of Kerala”*(sic). It then accuses the erstwhile Executive Committee of the petitioner - “Association” of having *“a very negligent and casual approach in complying with the directions of the TWFI and specified rules and regulations”*(sic).



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9. It is thus obvious that, apart from very generic statements as contained in Ext.P12, the only tenable reason that one can find in support of the decision therein is that the petitioner - "Association" did not reply to Ext.P7 show cause notice, dated 01.08.2023.

10. However, when I go through Ext.P10, for certain specified reasons mentioned therein the petitioner - "Association" requested for a month's time to offer such explanation. However, without considering any of them in its proper perspective, Ext.P11 was issued by the Federation, rejecting the said request and accusing that this was only for the purpose of protraction. I am afraid that I cannot find favour with this fully.

11. The afore being said, it is imperative that the contentions of the petitioner - 'Association' are properly considered by the "Federation" before a drastic step as deaffiliation and the dissolution of their Executive Committee is ordered, as has been done in Ext.P12.

12. I am, therefore, of the firm view that the petitioner - "Association" must be given a limited latitude of being able to file their objections to Ext.P7 within a short time frame, so that it can then be considered by the "Federation" quickly.



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In the afore circumstances and with the above perspective in mind, I allow this writ petition in the following manner:

a. I leave liberty to the petitioner - "Association", to file necessary objections to Ext.P7 through email to the Federation, which shall reach them not later than 23.09.2023.

b. On the afore objections being received by the "Federation", they shall hear the competent Authority of the petitioner - "Association" on the 24.09.2023 or 25.09.2023 - as may be convenient; and will then issue an appropriate order in terms of law, on or before 27.09.2023.

c. I make it clear that I have not entered into the rival contentions of the parties on its merits and that every issue - including as to whether Sri.Shan Muhammed can represent the "Association" - are left open to be decided by the "Federation" appropriately. As a corollary, it would also be upon the petitioner to explain the competence of Sri.Shan Muhammed through cogent and reliable methods.

While completing the afore exercise, the Federation will also keep in mind the fact that a team from Kerala should



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participate in the National Level Competitions; and this will also be specifically ensured by them in the resultant order.

Sd/-

DEVAN RAMACHANDRAN, JUDGE

JSR/ACR



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APPENDIX OF WP(C) 29885/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE PHOTOSTAT COPY OF THE CERTIFICATE OF REGISTRATION NO. ER/621/1999 DATED 7/7/1999 ISSUED BY THE REGISTRAR OF SOCIETIES, ERNAKULAM IN FAVOUR OF THE PETITIONER ASSOCIATION
- Exhibit P2 TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED 16.6.2023 SUBMITTED BEFORE THE 3RD RESPONDENT
- Exhibit P3 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 20-6-2023 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- Exhibit P4 TRUE PHOTOSTAT COPY OF THE REQUEST DATED 20.6.2023 SUBMITTED BY THE PETITIONER ASSOCIATION BEFORE THE 3RD RESPONDENT
- Exhibit P5 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 21.6.2023 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER ASSOCIATION
- Exhibit P6 TRUE PHOTOSTAT COPY OF THE REPORT SUBMITTED BY THE OBSERVER APPOINTED BY THE 2ND RESPONDENT ON 24.6.2023
- Exhibit P7 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 1.8.2023 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- Exhibit P8 TRUE PHOTOSTAT COPY OF THE LETTER DATED 8.8.2023 SUBMITTED BY THE SECRETARY DULY TENDERING HIS RESIGNATION
- Exhibit P9 TRUE PHOTOSTAT COPY OF THE MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE OF THE PETITIONER ASSOCIATION HELD ON 9.8.2023
- Exhibit P10 TRUE PHOTOSTAT COPY OF THE LETTER DATED 13.8.2023 SUBMITTED BY THE PETITIONER ASSOCIATION BEFORE THE 3RD RESPONDENT
- Exhibit P11 TRUE PHOTOSTAT COPY OF THE REPLY DATED 13.8.2023 GIVEN BY THE 3RD RESPONDENT



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- TO THE PETITIONER ASSOCIATION
- Exhibit P12 PHOTOSTAT COPY OF THE COMMUNICATION DATED 29.8.2023 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER ASSOCIATION
- Exhibit P13 TRUE PHOTOSTAT COPY OF THE PROCEEDINGS DATED 13.9.2023
- Exhibit P14 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 10.9.2023 ISSUED BY THE PETITIONER ASSOCIATION TO THE 2ND RESPONDENT REQUESTING TO RELEASE GRANT AND ALSO TO APPOINT OBSERVER IN THE CHAMPIONSHIPS
- Exhibit P15 TRUE PHOTOSTAT COPY OF THE CIRCULAR ISSUED BY THE PETITIONER ASSOCIATION IN THAT REGARD
- Exhibit P16 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 14.9.2023 ISSUED BY THE 2ND RESPONDENT, APPOINTING SHRI. K. L. JOSEPH AS THE OBSERVER
- Exhibit P17 TRUE PHOTOSTAT COPY OF THE PRESS RELEASE DATED 12.9.2023 ISSUED BY THE PETITIONER ASSOCIATION
- Exhibit P18 TRUE PHOTOSTAT COPY OF THE OBSERVER REPORT DATED 16.9.2023 ALONG WITH THE SELECTION LIST OF TEAM MEMBERS SELECTED TO REPRESENT KERALA STATE IN THE NATIONAL CHAMPIONSHIP
- Exhibit P19 TRUE PHOTOSTAT COPY OF THE NOTICE DATED 23.8.2023 ISSUED BY THE PETITIONER ASSOCIATION
- Exhibit P20 TRUE PHOTOSTAT COPY OF THE COMMUNICATION DATED 5.9.2023 ISSUED BY THE 2ND RESPONDENT, APPOINTING SHRI K L JOSEPH AS THE OBSERVER
- Exhibit P21 TRUE PHOTOSTAT COPY OF THE MINUTES OF THE MEETING OF THE PETITIONER ASSOCIATION HELD ON 7.9.2023
- Exhibit P22 TRUE PHOTOSTAT COPY OF THE REPORT DATED 7.9.2023 SUBMITTED BY THE OBSERVER TO THE 2ND RESPONDENT
- Exhibit P23 TRUE PHOTOSTAT COPY OF THE PROCEEDINGS DATED 21.8.2023 ISSUED BY THE 2ND



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Exhibit P24

RESPONDENT APPROVING THE ELECTION AS
THE SECRETARY OF THE PETITIONER
ASSOCIATION

TRUE COPY OF THE ORDER NO.
KSSC/C1(2)/5167/2023 DT. 8.9.2023
ISSUED BY THE 2ND RESPONDENT