

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH JUNE 2011 / 19TH JYASHTA 1933

WP(C).No. 15569 of 2011(U)

PETITIONER:

SATISH CHANDRAN, AGED 44 YEARS,
S/O.P.VELAYUDHAN, PRESIDENT, KOZHIKODE DISTRICT
CRICKET ASSOCIATION, ADITHYA BIRLA MONEY LTD.,
2ND FLOOR, SONA BUILDING, RAM MOHAN ROAD,
KOZHIKODE-673004.

BY ADV. MR. RAJIT

RESPONDENTS:

1. THE KERALA CRICKET ASSOCIATION,
C.A.COMPLEX, THYCAUD P.O., THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY MR. T.C.MATHEW.
2. MR.T.C.MATHEW, HONORARY SECRETARY,
KCA, KERALA CRICKET ASSOCIATION, 25 A, NOOPURAM,
MUTTADA P.O., THIRUVANANTHAPURAM.
3. MR.T.R.BALAKRISHNAN, PRESIDENT, KCA,
ADVOCATE, "SIVA ILLOM", MANIQUNI,
SULTHAN BATHERY-673592.
4. SANIL CHANDRAN K.V., AGED 44 YEARS,
S/O.RAMACHANDRAN, CHANDER VILLS, NEAR BEM U.P.
SCHOOL, PUTHIYANGADI ROAD, KOZHIKODE-673004.
5. BOARD OF CRICKET CONTROL FOR INDIA,
"CRICKET CENTRE" WANKHEDE STADIUM, 'D'ROAD,
CHURCHGATE, MUMBAI-400 020 REPRESENTED BY THE
SECRETARY.
6. STATE OF KERALA REPRESENTED BY THE
SECRETARY, MINISTRY OF SPORTS, SECRETARIAT,
THIRUVANANTHAPURAM.
7. KERALA SPORTS COUNCIL, BEHIND OLD
SECRETARIAT, THIRUVANANTHAPURAM, REPRESENTED BY
SECRETARY.

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R1 AND R2 BY ADV. MR. A.V.THOMAS
MR. G.SHRIKUMAR
MS. M.M.JASMIN
MR. NIDHI SAM JOHNS FOR

R6 BY GOVERNMENT PLEADER MR. V.T. K. MOHAHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/06/2011,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMACHANDRA MENON J.

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W.P (C) No. 15569 of 2011  
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Dated, this the 9th June , 2011

JUDGMENT

The apprehension of the petitioner is that the Executive Committee of the Kozhikkode District Cricket Association, of which the petitioner happens to be the 'President' is likely to be superseded the first respondent State Level Association and that steps are being mooted at the instance of the second respondent / the Secretary of the first respondent association, who is nurturing personal animosity to the petitioner.

2. According to the petitioner, some 18 clubs, who sought for registration with the District Association were denied the same, which however was intercepted by the first respondent in appeal, granting registration; correctness of which is stated as pending consideration in a civil suit. It is stated that, there was some allegation against the affairs of the State Association (first respondent) culminating in a vigilance case, where the petitioner had to vouch against the second respondent Secretary; which made him to lock the horns with the

petitioner. Apprehending supersession of the District Level Committee, the petitioner approached this Court by filing W.P (C) No. 7637 of 2011, seeking for immediate intervention. The very maintainability of the writ petition against the first respondent Association was challenged from the part of the first respondent association. It was also brought to the notice of this Court, there was absolutely no basis for the apprehension of the petitioner that the District Level Committee was sought to be superseded, as recorded in paragraph 2 of the said verdict; pointing out that the on-going proceedings were only in respect of an enquiry into the various aspects in connection with the dispute between the President and Secretary of the District Level Committee. It was also stated that, appropriate orders will be passed on finalization of the proceedings by the Enquiry Committee and accordingly, the said writ petition was closed, without prejudice to the rights and liberties of the parties, making it clear that, the question of maintainability was left open.

3. According to the petitioner, several proceedings and correspondence took place in the meanwhile, reference to which is not necessary for the time being. The immediate grievance of the

petitioner is with regard to Ext. P19, whereby a Special General Meeting of the Kerala Cricket Association (1st respondent) has been scheduled to be held on 11th June, 2011 and all concerned including the petitioner have been required to attend the meeting, which date, according to the petitioner, is inconvenient to him, in so far as the meeting of the District Level Committee is also scheduled on the very same day. The petitioner contends that, there is a conscious attempt on the part of the first respondent, to take some or other decision detrimental to the petitioner and it is with this intent, that Ext. P19 notice, though dated 25.07.2011, happened to be forwarded by registered post only on 31st May, 2011 as evident from Ext. P20, which allegation is seriously opposed from the part of the first respondent. Referring to the 'agenda' mentioned in Ext. P21, the learned counsel for the petitioner submits that, there is every possibility to take a decision to supersede the District Level Committee, contrary to the relevant provisions of law, which hence is sought to be intercepted in this writ petition.

4. The learned standing counsel appearing for the first respondent association submits that, the idea and understanding of the

petitioner is not at all correct and that the respondent association has never gone back from the submission made before this Court when Ext. P5 was disposed of, which was only as to the 'Enquiry' going on, and not any exercise to have the District Level Committee superseded, at that point of time, as apprehended by the petitioner. This is more evident from para 2 of the said verdict (Ext.P5), where it was recorded that the enquiry would be finalized and appropriate orders would be passed, based on which the writ petition was disposed of.

5. The learned counsel for the first respondent submits that the Enquiry Committee has submitted its report and the proceedings have to be taken to a logical conclusion by considering the said report in the light of the relevant materials, by the competent authority. It is with this intent, that a meeting of the central council has been convened on 11.06..2011 and information has been furnished to the petitioner, to make the proceedings transparent, giving an opportunity to the petitioner to attend the meeting. The learned counsel further submits that the matter will be considered and a decision will be taken by the Central Council (not by the Secretary of the first respondent) and based on the said decision further proceedings will be pursued. If at all any

further step has to be taken, it will of course be on the basis of a show-cause notice to be issued, asking for explanation. As such, the apprehension of the petitioner is quite premature and no interference is warranted in this writ petition submits the learned counsel for the first respondent.

6. Besides the factual position as above , the learned counsel for the first respondent seriously questions the maintainability of the writ petition, which was left open as per Ext. P5. Reference is made to binding judicial precedents, which however is sought to be rebutted by the learned counsel for the petitioner, stating that, the writ petition is maintainable.

7. Going by the pleadings and prayers, the basic apprehension of the petitioner as to the alleged supersession is quite out of place as on date, since further proceedings are assured to be taken only on the basis of the decision to be taken by the Central Council and after issuance of a show-cause notice as mentioned already.

8. With regard to the disputed rights and liberties, it is a matter to be looked into and decided by the competent Civil Court, on the basis of the relevant pleadings and the evidence to be let in, which exercise

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need not be pursued by this Court assuming the role of a fact finding agency, that too, while exercising the discretionary jurisdiction under Article 226 of the Constitution of India. This is, more so, in view of the observations made by the Division Bench of this Court in paragraph 8 of the judgment dated 25.05.2011 in W.P. (C) No.13848 of 2011.

In the above circumstances, the submission made by the learned counsel for the first respondent is recorded and interference is declined, relegating the petitioner to pursue the remedy by approaching competent Civil Court, as and when necessitated.

P. R. RAMACHANDRA MENON, JUDGE

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