

(2009) 04 DEL CK 0441

In the Delhi High Court

Case No : W.Ps. (C) 16730-39 of 2006 and C.M. No. 13780 of 2006

A.I. Singh and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 16-04-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 04 DEL CK 0441

Hon'ble Judges : A.P. Shah, C.J.; Neeraj Kishan Kaul, J

Bench : Division Bench

Advocate : No appearance, for the Appellant; Hari Shankar K., for Respondents Nos. 2 and 7, Anil Grover, Subhangi Tuli, Hariom Kumar for Respondent No. 5 and Bandna Shukla, for the Respondent

Final Decision : Dismissed

Judgement

1. The present petitions styled as a "Public Interest Petition" have been filed by the petitioners seeking directions to the Government of India inter alia to act upon the report submitted by respondent No. 3 as also to enquire into the affairs of respondent No. 2; to de-recognize respondent No. 2; to establish a transparent and fair system for training, ranking and selection of players and for conduct of tournaments amongst the other reliefs.

2. The petitioner No. 1 claims to be a highly qualified Squash Coach who is also the Secretary of petitioner No. 2 Association and the petitioners are associated with the game of Squash in some form or the other and claimed to have made numerous efforts to promote Squash by way of coaching and administration in their respective States. It is the grievance of the petitioners that respondent No. 2 is the National Federation for the game of Squash which purports to control and dominate the sport inasmuch as it monopolizes Government patronage and money, monopolizes the selection of the players who represent India and monopolizes the affairs of the sport of Squash in the country to the detriment of India. It is also contended by the petitioners that respondent No. 2 is not

functioning and acting for the sole purpose of development of Squash causing great and irreversible damage to the game of Squash in India. The petitioners allege that there are serious irregularities in the functioning of respondent No. 2, which is guilty of mismanaging the sport of Squash in India and that respondent No. 2 has deliberately not followed the guidelines as issued by the Government of India. The petitioners thus seek directions to the Government of India to immediately intervene inter alia by acting on various reports made by the respondent No. 3 to the Government of India as also take cognizance of various newspaper articles and complaints filed by several effected parties and to take charge of the affairs of respondent No. 2.

3. Counter-affidavit has been filed on behalf of respondent No. 2. It has been contended that the petitioners have floated rival associations which are not affiliates/member of the Apex body, namely, respondent No. 2 and are being run parallel to existing affiliated associations in order to disturb a proper channel/route and to confuse the Squash players for their ulterior motives. It is the allegation of the respondent No. 2 that the petitioners have chosen this method of filing baseless cases, complaints against respondent No. 2 to thwart the smooth functioning of the respondent Association. The respondent No. 2 has further averred that the present Public Interest Petition is actually for serving the private ends of the petitioners and in order to sub-serve their rivalry, petitioners have invoked the extraordinary jurisdiction of this Hon''ble Court to settle personal grievances. It is also the stand of respondent No. 2 that petitioners have heavily relied upon the report of Brig. Raj Manchanda, respondent No. 3 herein and that petitioner Nos. 1 and 2 have not disclosed that petitioner No. 1 along with the same Brig. Raj Manchanda founded this parallel and rival Chandigarh Squash Racket Association, now known as Indian Squash Association. Brig. Raj Manchanda has instigated this vindictive campaign against respondent No. 2 for his collateral purposes. It is also the case of respondent No. 2 that the writ petitions involve several serious disputed questions of fact and further that respondent No. 2 is not a State within the meaning of Article 226 of the Constitution of India and there is no deep and pervasive control of the Government over the said body.

4. Reply has also been filed by respondent No. 5, the Sports Authority of India. It is the case of respondent No. 5 that it is making all efforts to provide maximum assistance for the improvement of overall sports culture in the country. As per respondent No. 5, recognition to a National Sports Federation (hereinafter referred to as "NSF") is directly granted by respondent No. 4 and respondent No. 5 has no role therein. The respondent No. 5 has further averred that it has no administrative control over National Sports Federations. However, in case of any irregularity on part of any NSF, respondent No. 5 can report the same to respondent No. 4. It has also been stated by respondent No. 5 that it had set up an enquiry of a senior level officer on the complaint submitted by respondent No. 3 on the functioning of respondent No. 2. The report of the enquiry was duly forwarded to respondent No. 4. As per the re-commendations contained in this

report, it was recommended in the report that the Squash Racket Federation of India was doing a good job in the area of Squash and should be allowed to function without divergence of their efforts in frivolous allegations. (Annexure R-2A pg 174 @ pg 180).

5. We refrain from expressing any view on the rival contentions of the parties except to say that this is not a fit case for exercising extraordinary jurisdiction under Article 226 of the Constitution of India. It is clear from the factual matrix of the contentions and rival contentions, as narrated hereinabove, that this petition which is styled as a "Public Interest Litigation" is nothing but a camouflage to foster personal disputes. As held by the Hon"ble Supreme Court of India in Dattaraj Nathuji Thaware Vs. State of Maharashtra and Others, , that a Public Interest Litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation". There must be a real and genuine public interest involved in the litigation. It cannot be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. In the same judgment, the Hon"ble Supreme Court also held that public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity seeking is not lurking. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens.

6. The present petitions clearly involve disputed questions of fact, serious disputes and rivalry between rival/ competing Squash Associations. Cases, where what is strictly an individual dispute is sought to be converted into a "Public Interest Litigation" should not be encouraged. The dispute is essentially between rival and competing associations. As held by the Hon"ble Supreme Court in Ramsharan Autyanuprasi and another Vs. Union of India and others, , public interest litigation is an instrument for the administration of justice to be used properly in proper cases. Public interest litigation does not mean settling disputes between individual parties. The present petitions involve several disputed questions of fact. We fail to see any public interest involved in this petition. The disputes raised in essence are disputes between rival associations.

7. Taking all the facts and circumstances, we are of the considered view that no case is made out to exercise jurisdiction under Article 226 of the Constitution of India in favour of the petitioners. No public interest is involved in the present petitions. The writ petitions along with pending application are consequently dismissed leaving the parties to bear their own costs.