
(2014) 12 KL CK 0026

In the High Court Of Kerala

Case No : Writ Appeal Nos. 1581 and 1604 of 2014

The Kerala Roller Skating Association

APPELLANT

Vs

Ernakulam District Roller Skating Association

RESPONDENT

Date of Decision : 17-12-2014

Acts Referred:

Constitution of India, 1950 — Article 12, 226

Kerala Sports Act, 2000 — Section 2(xv), 3, 45, 46, 9

Citation : (2015) 1 ILR 777 : (2015) 1 KLJ 362

Hon'ble Judges : Ashok Bhushan, Acting C.J.;A.M. Shaffique, J

Bench : Division Bench

Advocate : Babu Karukapadath, M.A. Vaheeda Babu, K.A. Noushad, P.U. Vinod Kumar, Kandampully Rahul, Mithun Baby John and J. Ramkumar, Advocate for the Appellant

Judgement

Ashok Bhushan, Actg. C.J.

1. These two appeals have been filed against the same judgment dated 28.10.2014 in W.P.(C) No. 27276 of 2013 filed by the Ernakulam District Roller Skating Association (hereinafter referred to as the Writ Petitioner). The other parties shall also be referred to in the manner as described in the Writ Petition.

2. Brief facts giving rise to these Writ Appeals are: Petitioner is the recognized District Sports Organization (hereinafter referred to as the District Association) registered with the Ernakulam District Sports Council. The petitioner is affiliated to the Kerala Roller Skating Association (hereinafter referred to as the State Association). Petitioner was registered with the District Sports Organization on 31.07.2008. The District Association is also registered under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. The District Association has been conducting District Championship for the events in speed, artistic and roller hockey for different age groups of Boys/Women in Quad and Inline categories every year. The State Association was registered with the State Sports Council on 23.04.2013. The District Association claimed election of

its office bearers on 28.09.2013 in the presence of Observer of the Ernakulam District Sports Council. The State Association took a decision on 25.05.2013 to request all District Associations to conduct District Roller Skating Championship before 31.10.2013 with advance intimation to the State Association and respective District Sports Council. Petitioner decided to conduct Roller Skating Championship on 4, 5, 6 and 12th of October, 2013 which was informed to all concerned. The District Championship was conducted on the above dates, to select the players who were entitled to participate in the State Championship scheduled to be conducted in Idukki District from 14th to 17th November, 2013. Petitioner's case is that the District Roller Skating championship was conducted in the presence of Observer Shri M.A. Thomas from the District Sports Council. The 3rd respondent sent a letter on 07.10.2013 to all District Associations to conduct the District Roller Skating championship and participate in the State Roller Skating Championship. The 5th respondent initiated disciplinary action for termination/disaffiliation of the petitioner and a resolution was passed 7.10.2013 to disaffiliate the petitioner. A letter dated 23.10.2013, Ext. P15, was issued to the Secretary of the Ernakulam District Roller Skating Association informing that it was resolved to terminate/disaffiliate the District Association with immediate effect. Another letter, Ext. P16, was issued constituting an ad hoc committee to carry on the day to day affairs of the Roller Skating in Ernakulam District including conduct of selection trials. After constitution of the ad hoc committee, the 5th respondent selected the District team for Ernakulam to report in the State championship. At that juncture petitioner filed the Writ Petition praying for the following reliefs:

"(i) issue a writ of mandamus or such other writ, direction or order compelling the Ernakulam District Sports Council to restrain respondents 6 to 8 and the ad hoc committee constituted by the 5th respondent as per Ext. P16 from functioning in Ernakulam District in connection with the discipline of Roller Skating sport or conducting the activities and responsibilities of the Ernakulam District Roller Skating Association;

(ii) declare that the Ernakulam District teams and players selected by the petitioner-Association as per Exhibit P11 alone are entitled to participate in the State Roller Skating Championships 2013-14 to be conducted;

(iii) declare that Exhibits P15 and P16 are void ab initio and without jurisdiction."

3. Interlocutory Application was also filed in the Writ Petition for a direction to permit the persons selected by the petitioner to take part in the State level championship which was to be held in November, 2013. An interim order was passed by this Court on 13.11.2013 permitting the players selected by the petitioner to participate in the State level Championship. The Writ Petition remained pending. In the meantime, the State championship for the year 2014 was notified by the 5th respondent. The 5th respondent issued a Circular directing to conduct the District Roller Skating Championship on or before 30.09.2014. Petitioner claims to have conducted the selection of District team

from 11.09.2014 to 14.09.2014 to participate in the State championship scheduled to take place on 04.11.2014. Interlocutory Application was filed in the Writ Petition seeking a direction to permit the District team selected by the petitioner to allow its participation in the State championship scheduled to be held on 04.11.2014. The learned Single Judge disposed of the Writ Petition by judgment dated 28.10.2014 finally. Learned Single Judge held that the challenge regarding disaffiliation of the petitioner by the 5th respondent is not maintainable and the petitioner is at liberty to challenge the said decision in the civil court. However, the candidates selected by the petitioner can be permitted to take part in the State Level Championship being conducted by the 5th respondent. It was further held that the right of the petitioner to hold championship for future events will be subject to the decision of the competent civil court.

4. It is useful to quote the last paragraph of the impugned judgment:

"The challenge regarding disaffiliation of the petitioner-Association by the fifth respondent is not maintainable. The petitioner is at liberty to approach the competent civil court challenging the said decision. The candidates selected by the petitioner shall be permitted to take part in the State Level Championship being conducted by the fifth respondent. The right of the petitioner to hold championship for future events will be subject to the decision of the competent civil court".

The Kerala Roller Skating Association aggrieved by the said judgment has filed W.A. No. 1581 of 2014 in so far as the learned Single Judge has directed the team selected by the petitioner to participate in the State Championship. The Ernakulam Roller Skating Association, aggrieved by that part of the judgment by which the court refused to entertain the challenge to disaffiliate the petitioner and constitution of ad hoc committee has filed W.A. No. 1604 of 2014.

5. The Writ Appeals were filed in this Court on 05.11.2014. During the pendency of the Writ Appeals, State championship has been completed. Learned counsel for the parties informed this Court that the team which was selected by the petitioner as well as the District team selected by the Ad hoc committee appointed by the 5th respondent were allowed to participate in the State Championship, 2014. Learned counsel for the petitioner submitted that the District team selected by the petitioner secured 230 points whereas the team selected by the Ad hoc committee secured only 30 points. Petitioner's team was declared the State Champion for 2014.

6. We have heard learned counsel for the parties and perused records. Smt. M.A. Vaheeda Babu has appeared for the State Association whereas C.S. Ajith Prakash has appeared for the District Association and Smt. Latha Krishnan has appeared for the Kerala State Sports Council, 2nd respondent.

7. Smt. M.A. Vaheeda Babu, learned counsel appearing for the State Association contended that there is no infirmity in the order dated 23.10.2013 disaffiliating the petitioner from the State Association and appointing an ad hoc committee. It

is submitted that complaint was received by the Coach against the petitioner and after issue of notice decision was taken which decision is fully in accordance with the Memorandum of Association, Rules and Regulation of the Kerala Roller Skating Association. Rule 10 of the State Association empowers the State Association to terminate the membership. Appointment of the ad hoc committee was eminent for regulating the sports activity in the District. It is further submitted that even the Writ Petition filed by the petitioner was not maintainable since no violation of statutory provision was alleged by the petitioner. It is submitted that remedy of the petitioner is to approach civil court for relief if any and the Writ Petition ought to have been dismissed by the learned Single Judge.

8. Shri C.S. Ajith Prakash, learned counsel for the District Association has submitted that the Writ Petition is fully maintainable. It is submitted that respondent No. 5 is discharging a public function in organizing sports events and conducting State championship. Hence remedy is available to invoke Writ jurisdiction under Article 226 of the Constitution. Learned counsel submitted that the learned Single Judge committed error in not entertaining the challenge against Ext. P15 letter dated 23.10.2013. Learned counsel for the petitioner submitted that selection of the District Team made by the petitioner for the State Championship, 2014 was transparent selection permitting participation under the Observer of the District Sports Council and the fact that the team was rightly selected is proved by the 230 points obtained by the District team selected by petitioner in the State championship. It is submitted that respondent No. 5 has no authority or jurisdiction to constitute an ad hoc committee nor it had jurisdiction to disaffiliate the petitioner. It is submitted that the proceedings initiated by respondent No. 5 is in violation of the principles of natural justice and was on a complaint of the Coach who was suspended by the petitioner. Respondent No. 5 has no jurisdiction to entertain the complaint submitted by the suspended Coach. Learned counsel for both parties relied on various judgments of the Apex Court, this Court and other High Courts which shall be referred to while considering the submissions.

9. The first issue to be answered is as to the maintainability of the Writ Petition. From the relief as quoted above and claimed by the petitioner, it is clear that the relief is in two parts: the first relief claimed was a mandamus directing and compelling the Ernakulam District Sports Council to restrain the ad hoc committee from functioning in the Ernakulam District and further a declaration that the players selected by the petitioner as per Ext. P11 be permitted to participate in the State Roller Skating Championship, 2014. Second part of the prayer was to declare Exts. P15 and P16 which were the order disaffiliating the petitioner and appointing the ad hoc committee illegal.

10. Scope and ambit of Article 226 of the Constitution of India has come up for consideration before the Apex Court in a large number of cases. Writ Petition is maintainable against any action of the State or any authority within the meaning of Article 12. There is neither any foundation nor basis to hold that respondent

No. 5, i.e., the State Association is covered as stated within the meaning of Art. 12. The State Association is an Association registered under the 1955 Act and is affiliated with the National Roller Skating Federation Association of India. It is governed by the Rules and Regulations registered under the 1955 Act.

11. State legislation has enacted the Kerala Sports Act, 2000 to provide for the promotion of sports and games and to augment the athletic efficiency in the State of Kerala and for the constitution of Sports Councils at the State level, District Level and Local Level and for matters ancillary or incidental thereto. Under Section 3, the State Sports Council has been constituted. Similarly, Sec. 9 provides for constitution of District Sports Councils. Sports Organization has been defined in Sec. 2(xv) which is to the following effect:

"2(xv) "Sports Organization" means an organization constituted in accordance with law having a written constitution for the promotion of sports and games".

Under Section 46 of the Act, State Sports Council is empowered to make regulations to carry out the purposes of the Act. Under Sec. 45, the State has power to make rules. Rules have been framed by the State, namely, Kerala Sports Rules, 2008. Under Rule 55 State Sports Organisation are to seek registration and privileges. Under Rule 55 any Sports Organization carrying on regular activities at the State level and affiliated to the National Sports Federation, Association or Board may also seek registration in the State Sports Council whereas the District Association is registered with the District Sports Council. Rules provide for procedure for election of office bearers of Kerala Sports Council as well as the District Sports Council and other Councils. Proviso to Rule 74(1) further provides that election conducted by the State Sports Organizations and District Sports Organizations shall be conducted in the presence of an observer nominated by the State Sports Council.

12. Rules and Regulations of the State Association provides for membership in clause 6 which is quoted as follows:

"6. Members:--

There shall be only three categories of members of the general body:

(a) Affiliated District Level Roller Skating Association.

(b) Founder Member - Existing two members only. Founder members shall hereafter be elected to the executive Committee of the Association.

(c) Invitee Members"

13. Bye-law 7 deals with categories of Membership. Clause (a) defines Founder Member whereas clause (b) relates to Affiliated District Skating Associations.

14. Clause 10 provides for termination of membership which is quoted below:

"10. Termination of Membership:-Membership shall cease under the following conditions:

- a) If a member resigns in writing.
- b) If a member's membership fee or any other dues of the Club/Institution are in arrears upto 31st March of each year and no payment or reply is received within a fortnight of the date of issue or Registered A.D notice, the member would stand removed from the rolls of the E.D.R.S.A.
- c) If a member is found guilty of misconduct and acting against the interest, rules and regulations, objectives of the Association.
- d) If a member does not abide by the rules & regulations of the Association."

15. Regulations have been framed under Sec. 46 of the Kerala Sports Act, 2000, viz., Grant-in-Aid Regulations, 2009. The Regulations are Statutory regulations which required affiliation with State Association and District Association with the State Sports Council and the District Sports Council, respectively. Regulation 4 contains general conditions. Regulation 4(d) which is relevant is quoted belows:

"(d) District Associations

District Sports Association should follow the same pattern of their State Association with regard to the composition of Office Bearers, Registration of Association, Tenure of their Office, Holding of meetings, Conduct of competitions, System of accounting, Selection Committee and Observer from Council".

16. Regulation 7(iii) of Chapter V contains the norms of Grading of State Sports Associations.

"(iii) Terms and Conditions

(a) There shall be a minimum of eight active District Units for all the State Associations.

(b) The Association shall hold the District and State Championships at least in Senior, Junior and Sub Junior categories every year.

(c) The State and the District Teams shall be selected by the Selection Committee formed by the Associations in accordance with the directions given in Chapter IX of the Regulation and the guidelines issued by the Kerala State Sports Council from time to time.

(d) The Selection of Players/Athlets to the State Team for National Competition shall be done only by the Selection Committee from the State Championship.

(e) State Association shall register the names of the players with photos within 1st July every year and issue Identity Cards to them. Transfer of players from one District to another shall also be completed within the said date.

(f) All State Sports Associations/District Sports Associations shall give proper and due representation to women in its Executive Committee and its team of office bearers".

17. Regulation 7(iii)(c) contains the terms and conditions which provides that the State and the District Teams shall be selected by the Selection Committee formed by the Associations in accordance with the directions given in Chapter IX of the Regulation and the guidelines issued by the Kerala State Sports Council from time to time. Since one of the issues pertains to selection of District Team the above provision which is statutory provision becomes relevant. The above provision also thus regulate selection of District team. Hence selection of District team being regulated by the statutory regulation can very well be made subject of challenge in a Writ Petition under Article 226.

18. It is well settled that any action which is in breach of the statutory provision can be made subject to Writ Petition under Article 226 of the Constitution and this Court can very well issue a mandamus regarding the action which has been taken in violation of the statutory provisions. From the above it is absolutely clear that in so far as selection of the District team for the State championship which is regulated by statutory provisions can very well be made subject matter of judicial review under Article 226 of the Constitution and upto that extent the Writ Petition is fully maintainable. Action of selecting District team for the State championship falls in the domain of public function and very well can be made subject matter of issue in a Writ Petition. It shall suffice to refer to the judgment of the Apex Court in *Binny Ltd. and Another Vs. V. Sadasivan and Others*, where it was held that public law remedy is available against private body when such private body discharge public functions. It is useful to quote paragraphs 9, 10, 11, 23 and 29 which are to the following effect:

"9. The superior court's supervisory jurisdiction of judicial review is invoked by an aggrieved party in myriad cases. High Courts in India are empowered under Art. 226 of the Constitution to exercise judicial review to correct administrative decisions and under this jurisdiction the High Court can issue to any person or authority, any direction or order or writs for enforcement of any of the rights conferred by Part. 3 or for any other purpose. The jurisdiction conferred on the High Court under Art. 226 is very wide. However, it is an accepted principle that this is a public law remedy and it is available against a body or person performing a public law function. Before considering the scope and ambit of public law remedy in the light of certain English decisions, it is worthwhile to remember the words of Subba Rao, J. expressed in relation to the powers conferred on the High Court under Art. 226 of the *Dwarka Nath Vs. Income Tax Officer, Special Circle D-ward, Kanpur and Another*, :

"This article is couched in comprehensive phraseology and it ex facie confers a wide power on the High Courts to reach injustice wherever it is found. The Constitution designedly used a wide language in describing the nature of the power, the purpose for which and the person or authority against whom it can be exercised. It can issue writs in the nature of prerogative writs as understood in England; but the scope of those writs also is widened by the use of the expression "nature", for the said expression does not equate the writs that can

be issued in India with those in England, but only draws an analogy from them. That apart, High Courts can also issue directions, orders or writs other than the prerogative writs. It enables the High Court to mould the reliefs to meet the peculiar and complicated requirements of this country. Any attempt to equate the scope of the power of the High Court under Art. 226 of the Constitution with that of the English courts to issue prerogative writs is to introduce the unnecessary procedural restrictions grown over the years in a comparatively small country like England with a unitary form of Government into a vast country like India functioning under a federal structure. Such a construction defeats the purpose of the article itself."

10. The writ of mandamus lies to secure the performance of a public or a statutory duty. The prerogative remedy of mandamus has long provided the normal means of enforcing the performance of public duties by public authorities. Originally, the writ of mandamus was merely an administrative order from the Sovereign to subordinates. In England, in early times, it was made generally available through the Court of King's Bench, when the Central Government had little administrative machinery of its own. Early decisions show that there was free use of the writ for the enforcement of public duties of all kinds, for instance against inferior tribunals which refused to exercise their jurisdiction or against municipal corporations which did not duly hold elections, meetings, and so forth. In modern times, the mandamus is used to enforce statutory duties of public authorities. The courts always retained the discretion to withhold the remedy where it would not be in the interest of justice to grant it. It is also to be noticed that the statutory duty imposed on the public authorities may not be of discretionary character. A distinction had always been drawn between the public duties enforceable by mandamus that are statutory and duties arising merely from contract. Contractual duties are enforceable as matters of private law by ordinary contractual remedies such as damages, injunction, specific performance and declaration. In the *Administrative Law* (9th Edn.) by Sir William Wade and Christopher Forsyth (Oxford University Press) at p. 621, the following opinion is expressed:

"A distinction which needs to be clarified is that between public duties enforceable by mandamus, which are usually statutory, and duties arising merely from contract. Contractual duties are enforceable as matters of private law by the ordinary contractual remedies, such as damages, injunction, specific performance and declaration. They are not enforceable by mandamus, which in the first place is confined to public duties and secondly is not granted where there are other adequate remedies. This difference is brought out by the relief granted in cases of *ultra vires*. If for example a minister or a licensing authority acts contrary to the principles of natural justice, *certiorari* and mandamus are standard remedies. But if a trade union disciplinary committee acts in the same way, these remedies are inapplicable: the rights of its members depend upon their contract of membership, and are to be protected by declaration and injunction, which accordingly are the remedies employed in such cases."

11. Judicial review is designed to prevent the cases of abuse of power and neglect of duty by public authorities. However, under our Constitution, Art. 226 is couched in such a way that a writ of mandamus could be issued even against a private authority. However, such private authority must be discharging a public function and the decision sought to be corrected or enforced must be in discharge of a public function. The role of the State expanded enormously and attempts have been made to create various agencies to perform the governmental functions. Several corporations and companies have also been formed by the Government to run industries and to carry on trading activities. These have come to be known as public sector undertakings. However, in the interpretation given to Art. 12 of the Constitution, this Court took the view that many of these companies and corporations could come within the sweep of Art. 12 of the Constitution. At the same time, there are private bodies also which may be discharging public functions. It is difficult to draw a line between public functions and private functions when they are being discharged by a purely private authority. A body is performing a "public function" when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest. In a book on Judicial Review of Administrative Action (5th Edn.) by de Smith, Woolf & Jowell in Chap. 3, para 0.24, it is stated thus:

"A body is performing a "public function" when it seeks to achieve some collective benefit for the public or a section of the public and is accepted by the public or that section of the public as having authority to do so. Bodies therefore exercise public functions when they intervene or participate in social or economic affairs in the public interest. This may happen in a wide variety of ways. For instance, a body is performing a public function when it provides "public goods" or other collective services, such as health care, education and personal social services, from funds raised by taxation. A body may perform public functions in the form of adjudicatory services (such as those of the criminal and civil courts and tribunal system). They also do so if they regulate commercial and professional activities to ensure compliance with proper standards. For all these purposes, a range of legal and administrative techniques may be deployed, including rule making, adjudication (and other forms of dispute resolution); inspection; and licensing.

Public functions need not be the exclusive domain of the State. Charities, self regulatory organisations and other nominally private institutions (such as universities, the Stock Exchange, Lloyd's of London, churches) may in reality also perform some types of public function. As Sir John Donaldson, M.R. urged, it is important for the courts to "recognise the realities of executive power" and not allow "their vision to be clouded by the subtlety and sometimes complexity of the way in which it can be exerted". Non governmental bodies such as these are just as capable of abusing their powers as is Government."

23. The counsel for the respondent in Civil Appeal No. 1976 of 1998 and for the appellant in the civil appeal arising out of SLP (Civil) No. 6016 of 2002 strongly contended that irrespective of the nature of the body, the writ petition under Art. 226 is maintainable provided such body is discharging a public function or statutory function and that the decision itself has the flavour of public law element and they relied on the decision of this Court in *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust and Others Vs. V.R. Rudani and Others*, . In this case, the appellant was a Trust running a science college affiliated to the Gujarat University under the Gujarat University Act, 1949. The teachers working in that college were paid in the pay scales recommended by the University Grants Commission and the college was an aided institution. There was some dispute between the University Teachers Association and the University regarding the fixation of their pay scales. Ultimately, the Chancellor passed an award and this award was accepted by the State Government as well as the University and the University directed to pay the teachers as per the award. The appellants refused to implement the award and the respondents filed a writ petition seeking a writ of mandamus and in the writ petition the appellants contended that the college managed by the Trust was not an "authority" coming within the purview of Art. 12 of the Constitution and therefore the writ petition was not maintainable. This plea was rejected and this Court held that the writ of mandamus would lie against a private individual and the words "any person or authority" used in Art. 226 are not to be confined only to statutory authorities and instrumentalities of the State and they may cover any other person or body performing public duty. The form of the body concerned is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owed by the person or authority to the affected party. No matter by what means the duty is imposed, if a positive obligation exists, mandamus cannot be denied.

29. Thus, it can be seen that a writ of mandamus or the remedy under Art. 226 is pre eminently a public law remedy and is not generally available as a remedy against private wrongs. It is used for enforcement of various rights of the public or to compel public/statutory authorities to discharge their duties and to act within their bounds. It may be used to do justice when there is wrongful exercise of power or a refusal to perform duties. This writ is admirably equipped to serve as a judicial control over administrative actions. This writ could also be issued against any private body or person, specially in view of the words used in Art. 226 of the Constitution. However, the scope of mandamus is limited to enforcement of public duty. The scope of mandamus is determined by the nature of the duty to be enforced, rather than the identity of the authority against whom it is sought. If the private body is discharging a public function and the denial of any right is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial, but, nevertheless, there must be the public law element in such action. Sometimes, it

is difficult to distinguish between public law and private law remedies. According to Halsbury's Laws of England, 3rd Edn., Vol. 30; p. 682,

"1317. A public authority is a body, not necessarily a county council, municipal corporation or other local authority, which has public or statutory duties to perform and which perform those duties and carries out its transactions for the benefit of the public and not for private profit."

There cannot be any general definition of public authority or public action. The facts of each case decide the point".

19. When function entrusted to a private body is regulated by a statute and the body is obliged to perform the function, the said function is in the nature and character of public function which can be made subject matter of an issue of a Writ proceeding. Thus to the above extent the Writ Petition which sought relief in the context of selection of District team to participate in the State championship, the Writ Petition is clearly maintainable.

20. Parties are at issue regarding the manner and correctness of the selection of the District team to participate in the State championship. From the facts as noted above, it is clear that the State championship both for the year 2013 which was initially made subject matter of the Writ Petition and State championship for 2014 are over and the team selected by both the petitioner as well as the ad hoc committee were permitted to participate in the State championship under orders of the Court. Both teams participated and result of such championship has also been declared. Participation of the District team in the State championship was of the sportsmen who participated in a sport event and achieved a result. The issue regarding correctness or validity of the selection of District team which participated in the State championship has become academic and futile. Teams have participated and results having already been declared, we do not find it necessary to enter into various contentious issues regarding selection of teams.

21. However, as noted above, selection as per the Grant-in-Aid Regulation 7(iii) (c) State and District teams shall be selected by the selection committee formed by the Association in accordance with the direction given in Chapter IX of the Regulations and the guidelines issued by the Kerala Sports Council from time to time. We only observe that selection of District team is to be made as per the above statutory regulation which may be strictly adhered to.

22. Now we come to the appeal filed by the District Association. In the Writ Petition one of the reliefs was to quash Exts. P15 and P16 letters dated 23.10.2013 by the 5th respondent disaffiliating the petitioner and appointing an ad hoc committee. In so far as the order dated 23.10.2013, Ext. P13, by which petitioner's membership was terminated/disaffiliated, the said decision was taken by the 5th respondent in exercise of its power under the Rules and Regulations which are non-statutory in character, the said action of the 5th respondent cannot be treated to be one within the domain of public function as has been rightly refused to entertain by the learned Single Judge in his order

dated 28.10.2014. We fully endorse the aforesaid view of the learned Single Judge. In challenging the action the remedy of the petitioner is to approach the civil court or to take such remedy as permissible under law. Learned Single Judge has not stated specifically anything about Ext. P16 by which ad hoc committee was appointed by the 5th respondent. In so far as the State/District Association is empowered by the Statutory Regulations to make selection of the State and District teams, we are of the view that it has full power and jurisdiction to adopt its ways and methods. It is relevant to note that the ad hoc committee was constituted to form the Ernakulam District Roller Skating Championship to participate in the State championship 2014. Purpose of the ad hoc committee has come to an end and hence no opinion need to be expressed with regard to the ad hoc committee, object and purpose of which have come to an end by efflux of time.

23. In the result:

We dismiss both the Writ Appeals. Parties shall bear their own costs.