

(2021) 09 DEL CK 0113

In the Delhi High Court

Case No : Letter Patent Appeal No. 327 Of 2021

Uttar Pradesh State Rifle Association

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 16-09-2021

Acts Referred:

Citation : (2021) 09 DEL CK 0113

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Amit Bansal, J

Bench : Division Bench

Advocate : Rahul Mehra, Siddharth Dutta, Vidushpat Singhania, Anika Dhingra, Chinmoy Gosain, Chetan Sharma, Amit Mahajan, Amit Gupta, Vinay Yadav, Akshay Gadeock, Sahaj Garg, Kirti Uppal, Harsha Peechara, Aditya Vikram Singh, Ruchir Mishra, Mukesh Kumar Tiwari

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

Proceedings have been conducted through video conferencing.

CM No. 31872/2021 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

LPA 327/2021 and CM No. 31871/2021 (for interim relief)

1. Being aggrieved and feeling dissatisfied by the interim order passed by the learned Single Judge dated 10.09.2021 (Annexure A-1 to the memo of the Letters Patent Appeal) in W.P.(C) No. 10017/2021, the Original Petitioner has preferred the present Letters Patent Appeal.

2. Learned Single Judge has not granted the interim relief in W.P.(C) No. 10017/2021 and has issued notice with the direction that the representations can be decided by the concerned Respondents Authorities and notice has been made

returnable on 13.12.2021.

3. Having heard the counsels for both the sides and looking to the facts and circumstances of the case, the Appellant (Original Petitioner) has several grievances about the tenure of the President (Respondent No. 3).

4. Learned senior counsel for the Appellant (Original Petitioner) has taken this Court to various annexures including the National Sports and Development Code, 2011 (hereinafter referred to as 'Code') as well as Annexure (T) and Annexure (L) especially about the tenure of the Post. As per the Code, the President cannot have more than 3 terms or total 12 years, with or without break.

5. Learned senior Counsel appearing for the Appellant (Original Petitioner) has also taken this Court to the order passed by this Court in other matter, namely, in W.P. (C) No. 8691/2020 dated 08.01.2021.

6. Learned Additional Solicitor General for Union of India submits that in pursuance of the direction given by the learned Single Judge, in the interim order as stated in para-5, the representations have been decided in accordance with law which have been preferred by the Appellant (Original Petitioner). The representations of the Appellant (Original Petitioner) are dated 12.08.2021 and 14.08.2021. The representations have been decided by the Joint Secretary, Government of India, Ministry of Youth Affairs and Sports vide communication dated 15.09.2021. This communication has been pointed out by the learned Additional Solicitor General to this Court via screen sharing through video conferencing.

7. Looking to the aforesaid decision of the Respondents/Union of India upon the representations, the Union of India is agreeing with the Appellant (Original Petitioner) on the following counts, namely, viz.-

(a) about the tenure of the President;

(b) about the Returning Officer who has the nexus with the candidate who is going to contest the election and;

(c) about the non-compliance of Sports Code.

8. Learned senior counsel appearing on behalf of the Respondent No. 2 submits that without hearing the concerned party, the aforesaid decision has been taken, which has been objected by Respondent No. 2. There is no violation of any Sports Code or the provisions of any law, rules, regulations and policy of the Government. Respondent No. 2 has also genuine disputes about the term of the President.

9. Having heard the counsels for both the sides and looking to the facts and circumstances of the case, it appears that the latest development that has been pointed out by learned Additional Solicitor General about the communication dated 15.09.2021 requires to be brought before the notice of the learned Single Judge. Hence, we see no reason to interfere with the impugned order which is

interim in nature in light of the new facts pointed out by learned Additional Solicitor General.

10. The Appellant (Original Petitioner) is permitted to file civil miscellaneous application for preponing the date of hearing and to bring on record the communication between Union of India and the Appellant which is dated 15.09.2021 written by the Joint Secretary, Government of India, Ministry of Youth Affairs and Sports to the notice of learned Single Judge and to further pursue the matter for getting further interim order.

11. As and when such application is being preferred, the same shall be decided by the learned Single Judge, in accordance with law, rules, regulations and Government policies and on the basis of the evidences on record and without being influenced by the order of the Division Bench in this Letters Patent Appeal.

12. In view of the aforesaid further development of the crucial facts, we hereby dispose of the Letters Patent Appeal along with the pending application in light of the above observations.