

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODG) NO. 2323 OF 2013

1. All India Karate-Do Federation, Mumbai
& Anr.

... Petitioners

Vs

1. Union of India & Ors.

... Respondents

Mr. Mayur Khandeparkar with Ms. Apeksha Sanghvi i/b LT Law for
the Petitioners.

Mr. Parag Vyas with Mr. S.s. Kanetkar for the Respondent No.1.

Mr. D.A. Nalawade, Govt. Pleader, for the Respondent No.3.

Mr. Rohan Cama with Mr. Venkatesh Mohanraj i/b Mr. Vivek S.
Sawant for the Respondent No.4.

Mr. Vineet Naik, senior counsel with Mr. Lakshyaved Odhekar and
Mr. Kuldeep N. Nikam for the Respondent Nos.5 & 6.

**CORAM : S.J. VAZIFDAR, &
K.R. SHRIRAM, JJ.**

TUESDAY, 29TH OCTOBER, 2013

P.C.:

Leave to amend by impleading R. Thiagrajan as respondent

No.7.

1. The petitioners seek an order directing respondent Nos.1 and 2 -
Union of India and the Indian Olympic Association (IOA) to issue a

letter of recognition to petitioner No.1 declaring petitioner No.1 as the only National Sports Federation for karate in the country and an order restraining respondent Nos.1 and 2 from recognising any other person other than the governing body of petitioner No.1 headed by petitioner No.2, as the President of petitioner No.1 to represent petitioner No.1. Lastly, the petitioners seek an order directing the Deputy Charity Commissioner to decide a change report submitted by them.

2. In view of the stand taken by the Union of India before us, it is not necessary to consider the application for urgent ad-interim reliefs in terms of the first relief viz. directing respondent Nos.1 and 2 to recognize petitioner No.1 as the only Sports Federation for karate in the country.

3. Mr. Khandeparkar, the learned counsel appearing on behalf of the petitioners relied upon a certificate dated 15th July, 1993, issued by the Government of India, Ministry of Human Resource Development - Department of Youth Affairs and Sports (hereinafter referred to as "the Ministry") stating that for each sport, the

Government had recognized one federation for promotion of that sport at the National / International level. The certificate stated that petitioner No.1 was recognized by the Government of India since 15th June, 1987, as the said Federation. The certificate stated that it was advisable to check the latest position on recognition from the Department as the continuation of recognition is subject to following the Government guidelines by all the Sports Federations.

Mr. Khandeparkar also relied upon a communication dated 7th September, 1999, issued by the World Karate Federation (recognized by the International Olympic Committee) addressed to the General Secretary of petitioner No.1 confirming that petitioner No.1 was the only recognized Federation from India by the World Karate Federation and was also a member of the Asian University of Karate-Do organizations.

Mr. Khandeparkar further relied upon a communication dated 14th December, 2011, addressed by the Indian Olympic Association - respondent No.2, addressed to petitioner No.1 stating that the General Assembly of respondent No.2 had accorded recognition to petitioner No.1.

4. Mr. Cama, the learned counsel appearing on behalf of respondent No.4 - one Bharat Sharma, stated that the Karate Association of India is now the recognized body for the said sport in India. He relied upon an invitation issued by the Spanish Karate Federation extended to the Karate Association of India to participate in the 8th World Karate and Junior Championships to be held in Spain from 7th to 10th November, 2013, as a delegation of Karate Association of India. The names of the participants are listed therein.

5. This letter by itself, however, would not establish that Karate Association of India is recognized by the Government of India. This letter is written by the Spanish body for karate. It cannot possibly mean recognition is conferred by respondent No.1. Whether respondent No.1 chooses to act upon the same or not is a different matter with which we are not concerned presently especially in view of the stand taken by the Union of India before us which we will refer to.

6. The matter was placed for orders today. Before we pronounced the order, Mr. Cama sought to rely upon a photocopy of a certificate dated 10th September, 2013, allegedly issued by World Karate Federation, certifying that the Karate Association of India headed by one Thiagrajan as its President and respondent No.4 as its General Secretary is a full member of the World Karate Federation and the only National Federation of Karate Sport entitled to participate in WKF events representing India. The certificate further cancelled all previous memberships / recognition letters.

7. Mr. Khandeparkar strongly opposed the letter being taken on record at this stage. The letter, however, *prima facie*, at least does not affect the petitioners contentions for the same is also issued by an international body. It does not bind the Union of India. Here again, whether the Union of India takes any action pursuant thereto is a different matter with which we are not presently concerned.

8. The learned counsel appearing on behalf of the Union of India tendered a letter dated 25th October, 2013, addressed to him by the

Government of India. The letter, *inter-alia*, states that the management of petitioner No.1 has to be approved by the Charity Commissioner (respondent No.3) and not by the Ministry. The Ministry sought a detailed report from respondent No.2 - IOA and the WKF who in the year 2010 recognized petitioner No.1 "headed by" the said Thiagrajan as its President, respondent No.5 as its General Secretary and one Altaf Alam as its Treasurer. The letter further states that the Ministry continued to support the management of petitioner No.1 as recommended by IOA and the World Karate Federation. The letter also refers to the disputes pending before the Charity Commissioner regarding the management of petitioner No.1. The letter further stated as under :-

"5. In the meanwhile, the Ministry has received proposal dated 20/8/2013 (copy enclosed) from AIKDF headed by Mr. Thiagrajan as the World Body invited him to send the entries of Indian athletes for participation in 8th World Cadet & Junior Karate Championship held at Spain from 7th to 10th November, 2013. The world body recognizes the faction of Shri Thiagrajan of AIKDF. The world body will accept entries from the faction they recognize. As such, in order to facilitate participation of Indian athletes, the Ministry has approved the proposal from sports angle at No cost to the Govt. subject to clearance of MEA vide our letter dated 14/10/2013 (copy enclosed).

6. Since preparation of para-wise comments will

take some time, it is requested to seek at least 6 weeks time from the Hon'ble Court for filing the affidavit."

9. The learned counsel for the Union of India merely referred to the contents of this letter to indicate the stand the Union of India. The instructions contained in this letter in fact recognize petitioner No.1 and not any other organization. That it refers to the said Thiagrajan is not relevant on the question as to which body the Government recognizes in respect of karate. This is also clear from the further correspondence placed before us on behalf of the Union of India.

10. The said letter dated 20th August, 2013, is addressed by the said Thiagrajan representing himself as President of petitioner No.1 on the letter-head of petitioner No.1. The letter is addressed to the Under Secretary to the Government of India (Ministry of Youth Affairs and Sports). The letter states that the Indian Karate team is going to take part at the said event in Spain from 7th to 10th November, 2013. The representation in this letter obviously is that the participants will be selected by petitioner No.1 and not by the Karate Association of India as contended by Mr. Cama based on the invitation dated 17th October,

2013, which we referred to earlier. We are not concerned here as to who heads or who is in control of or is entitled to manage petitioner No.1. That is a matter which is the subject matter of orders passed by the office of the Charity Commissioner as well as the subject matter of proceedings pending before the Charity Commissioner. The aforesaid correspondence, including the instructions to the Union of India which we have referred to earlier, indicate that the Union of India recognizes petitioner No.1 in respect of karate.

11. The said Ministry replied to the letter dated 20th August, 2013, by a letter dated 14th October, 2013. It is important to note that the letter was addressed to the President of petitioner No.1, albeit at an address in Chennai. The letter was addressed at Chennai obviously because the letter dated 20th August, 2013 gave a Chennai address as office of petitioner No.1. This letter conveyed the Ministry's no objection for conducting the said event to be held in Spain from 7th to 10th November, 2013. It is obvious, therefore, that the no objection was given to petitioner No.1. This letter was also furnished by the learned counsel appearing on behalf of the respondent No.1.

12. It is pertinent to note that the invitation dated 17th October, 2013, relied upon by Mr. Cama, which we referred to earlier, was addressed to the Karate Association of India after the aforesaid correspondence. As noted earlier, the earlier correspondence was addressed by / on behalf of petitioner No.1 and the replies of the Ministry were also addressed to petitioner No.1.

13. There is nothing on record which indicates that the Union of India has recognized any person or organization other than petitioner No.1 for the said sport. It is not necessary, therefore, to grant the interim reliefs sought by the petitioners today.

14. It is clarified that this order does not restrain any other Association from sending a team. That is a matter between any such Association, including the Karate Association of India, an International organization, and the Government of India. Mr. Cama stated that the entire expenses in respect thereof are to be borne by the Karate Association of India. We express no views in that regard.

15. The ad-interim application is, accordingly, disposed of. Stand over to 22nd November, 2013, for admission.

K.R. SHRIRAM, J.

S.J. VAZIFDAR, J.

Bombay High Court