

W.P.No.14635 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

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CORAM:

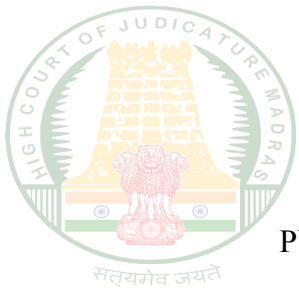
THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**W.P.No.14635 of 2025andW.M.P.No.16520 of 2025

PUDUCHERRY BODY BUILDERS & FITNESS ASSOCIATION,
REPRESENTED BY ITS GENERAL SECRETARY,
J. VICTOR JAGANATHAN AMBOROISE,
NO.16, KURINJI STREET,
GANAPATHI NAGAR,
MURUGAPAKKAM,
PUDUCHERRY - 605 004.

... Petitioner

Vs

1. THE GOVERNMENT OF INDIA,
MINISTRY OF YOUTH AFFAIRS AND SPORTS,
REP. BY UNDER SECRETARY,
SHASTRI BHAVAN,
NEW DELHI - 110 001.
2. THE GOVERNMENT OF PUDUCHERRY,
REP. BY THE CHIEF SECRETARY,
CHIEF SECRETARIAT, GOUBERT AVENUE,
PUDUCHERRY - 605 001.
3. DEPARTMENT OF SPORTS AND YOUTH AFFAIRS,
GOVERNMENT OF PUDUCHERRY,
REP. BY THE SECRETARY,
CHIEF SECRETARIAT,
GOUBERT AVENUE,
PUDUCHERRY - 605 001.
4. PUDUCHERRY STATE SPORTS COUNCIL,
INDIRA GANDHI SPORTS COMPLEX,
UPPALAM,



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5. DIRECTOR GENERAL OF POLICE,
UNION TERRITORY OF PUDUCHERRY,
NO.4, DUMAS STREET,
PUDUCHERRY - 605 001.

6. P.K.SIVANESAN,

7. MANIKANDAPRABU

8. S. JEGANATHAN

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the 1st to 5th respondents from allowing the 6th to 8th respondents or any others to conduct any sports event in the name and style of or using the name of "Mr.India" and "Open Mr.South India" or "National" at Rock Beach, Puducherry on 03.05.2025 and at Karaikal Beach on 25.05.2025 or any other subsequent date or dates and place by considering the petitioner's representation dated 15.03.2025.

For Petitioner : Mr.P.Suresh Babu

For R1 : Mr.A.S.Vijayaragavan
Senior Panel Counsel
(Government of India)

For R2 to R5 : Mr.R.Sreedhar
Additional Government Pleader



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ORDER

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The writ petition is filed with a prayer forbearing the 1st to 5th respondents from allowing the 6th to 8th respondents or any others to conduct any sports event in the name and style of or using the name “Mr. India” and “Open Mr. South India” or “National,” at Rock Beach, Puducherry on 03.05.2025 and at Karaikal Beach on 25.05.2025 or any other subsequent date or dates.

2. Upon hearing the learned counsel appearing for the petitioner and perusing the affidavit filed by the petitioner association, it can be seen that on the said dates, the private associations run by the respondents 6 to 8 seem to be conducting a bodybuilding competition. They’ve advertised the competition as “Open Mr.South India 4th Fitness Zone Classic 2025, Bodybuilding & Fitness Competition” and “8th Mr.Kanagasabai Classic- 2025, Mr. India”.

3. The writ petition is filed on the premise that when the advertisement contains the words Mr.India and Open Mr.South India, etc., the same is violative of Section 3 of the Emblems and Names (Prevention of Improper Use) Act, 1950 (Act No.12 of 1950).



WEB COPY4. The learned counsel appearing for the petitioner also relied upon an interim order granted by this Court in W.P. No. 33576 of 2024. Therefore, the learned counsel appearing for the petitioner submits that the writ petition is liable to be allowed by this Court.

5. Mr.A.S.Vijayaragavan, the learned Senior Panel Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 to 5 would submit that the competition is run by private organizations and they have got nothing to do with the matter.

6. As far as the order passed in the earlier writ petition is concerned, it can be seen that it is an interim order passed on the consent of parties in the said case. The only question to be decided by the Court is whether the impugned action is violative of Section 3 of Act No. 12 of 1950. In this regard, Section 3 is extracted hereunder:

“3. Prohibition of improper use of certain emblems and names.- Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark or design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or such officer of



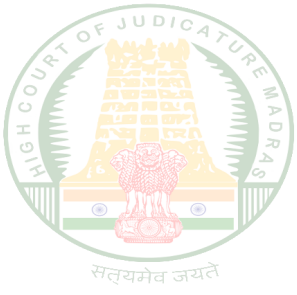
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Government as may be authorised in this behalf by the Central Government.”

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7. Thus, it can be seen that the nation's name or emblem cannot be used in any trade, business, calling or profession, or in the title of any patent, or in any trademark or design or any name or emblem specified in the Schedule or any colourable imitation thereof, without the previous permission of the Central Government. As far as the concerned sport of bodybuilding is concerned, it is common knowledge that whoever wins the competition is called Mr. or Ms. South India or India or World. That is common and specific to the said sport. That does not in any manner mean that it is the use of any national emblem or name of the country for any trade, business, calling or profession. It is synonymously used to refer to the title winner of such bodybuilding competitions. The Sport is conducted to encourage physical fitness among individuals. I do not see the same as in any manner violative of Section 3 of the said Act.

8. In view thereof, I am unable to accede to the prayer made by the learned counsel appearing for the petitioner. Finding no merits, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.



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Neutral Citation: Yes
nsl

To

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GOVERNMENT OF PUDUCHERRY,
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CHIEF SECRETARIAT,
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4. PUDUCHERRY STATE SPORTS COUNCIL,
INDIRA GANDHI SPORTS COMPLEX,
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5. DIRECTOR GENERAL OF POLICE,
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VERDICTUM.IN



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D.BHARATHA CHAKRAVARTHY, J.

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