



OSA Nos.277 to 281 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Original Side Appeal Nos. 277 to 281 of 2019
and
CMP. Nos.571 and 572 of 2021
5620 of 2020, 22792 of 2019,
22787, 22789, 21597 of 2022, 21604 of 2022, 21598 of 2022,
93 and 97 of 2023

O.S.A. Nos. 277 and 278 of 2019

1. Tamil Nadu Football Association
73, Jawaharlal Nehru Stadium
Park Town, Chennai - 600 003
2. J. Jesiah Villavarayar
3. C. Sivanandan
4. K. Radhakrishnan
5. N. Balasubramanian
6. R. Rajasekaran
7. P.N. Ravikumar
8. Suresh J. Manoharan .. Appellants

Versus

1. Pennar Junior FC
rep. by its Secretary Mr. C. Sasikumar
3/210 A, ARS Nagar
Kaveripattinam
Krishnagiri District - 635 112



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2. Krishnagiri District Football Association
rep. by its Secretary Mr. C. Sasikumar
32, Bharathiyar Street, Newpet
Krishnagiri District

.. Respondents

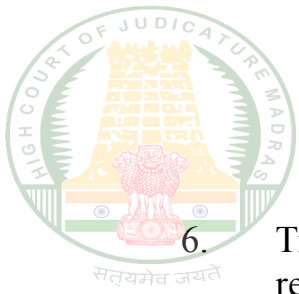
O.S.A. Nos. 279, 280 and 281 of 2019

Tamil Nadu Football Association
73, Jawaharlal Nehru Stadium
Park Town, Chennai - 600 003

.. Appellant

Versus

1. Pennar Senior FC
rep. by its Secretary Mr. K. Tamilselvan
Pudur Village, Malaiyandhali Post
Kaveripattinam
Krishnagiri District - 635 112
2. Intermillan FC
rep. by its President Mr. K.R. Murali
Vivek Garden, Hosur
Krishnagiri District
3. Krishnagiri Town FC
rep. by its Secretary Mr. V.K. Murali
2/233, Priya House
Chennai By-pass Road
Krishnagiri District 635 001
4. St. Antony's FC
rep. by its Secretary Mr. E. Arockiaraj
220/B, KTM Nagar, Elathagiri Post
Bargur Taluk
Krishnagiri District - 635 108
5. Dynamo FC
rep. by its Secretary Mr. P.K. Balu
31/40 E, Royakottai Road
Opp. Srinivasa Theater
Hosur, Krishnagiri District - 635 109



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6. Trinity FC
rep. by its Secretary Mr. N. Deepraj
2/136 A, Pethathalapalli Village and Post
Krishnagiri District 635 001
7. Hosur Town FC
rep. by its Secretary Mr. K. Venkatesh
42, Nehru Nagar, Opp. Railway Station
Hosur, Krishnagiri District 635 109
8. Maharishi Vidya Mandir FC
rep. by its Secretary Mr. M. Shankar
5/39, Dasarpet, Hosur
Krishnagiri District 635 109
9. MGR College FC
rep. by its Secretary Mr. R. Jothibasu
MGR College, Hosur
Krishnagiri District 635 109
10. Government Boys Higher Secondary School FC
rep. by its Secretary Mr. Alphones Albert
4/213-4, Sanjeev Nagar, Ponmalaikoil Street
Kattiganapali, Krishnagiri District 635 001
11. Pennar Junior FC
rep. by its Secretary Mr. C. Sasikumar
3/210-A, ARS Nagar, Kaveripattinam
Krishnagiri District 635 112
12. Krishnagiri District Football Association
rep. by its Secretary Mr. C. Sasikumar
32, Bharathiyar Street
Newpet, Krishnagiri District 635 001
13. Government of Tamil Nadu
rep. by its Secretary
Commercial Taxes and Registration Department
Namakkal Kavingar Maligai
Fort St. George, Chennai - 600 009

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14. The Registrar of Societies
District Registrar Office Central Chennai
268, Bharathi Salai, Express Estate
Royapettah, Chennai - 600 014

15. Inspector General of Registration
100, Santhome High Road
Mylapore, Chennai - 600 028

.. Respondents

O.S.A. No. 277 of 2019:- Appeal filed under Order XXXVI Rule I of the Original Side Rules read with Clause 15 of the Letters Patent against the Order dated 27.09.2019 passed in Application No. 1554 of 2019 in Civil Suit No. 126 of 2019 on the file of this Court.

O.S.A. No. 278 of 2019:- Appeal filed under Order XXXVI Rule I of the Original Side Rules read with Clause 15 of the Letters Patent against the Order dated 27.09.2019 passed in Application No. 1555 of 2019 in Civil Suit No. 126 of 2019 on the file of this Court.

O.S.A. No. 279 of 2019:- Appeal filed under Order XXXVI Rule I of the Original Side Rules read with Clause 15 of the Letters Patent against the Order dated 27.09.2019 passed in Application No. 1774 of 2019 in Civil Suit No. 126 of 2019 on the file of this Court.

O.S.A. No. 280 of 2019:- Appeal filed under Order XXXVI Rule I of the Original Side Rules read with Clause 15 of the Letters Patent against the Order dated 27.09.2019 passed in Application No. 128 of 2019 in Civil Suit No. 126 of 2019 on the file of this Court.

O.S.A. No. 281 of 2019:- Appeal filed under Order XXXVI Rule I of the Original Side Rules read with Clause 15 of the Letters Patent against the Order dated 27.09.2019 passed in Application No. 1153 of 2019 in Civil Suit No. 126 of 2019 on the file of this Court.



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For Appellant(s) : Mr. A.L. Gandhimathi, Senior Advocate
for Mr. C. Santhosh Kumar

For Respondents : Mr. K.Seshasayee for R1 & R2 in OSA Nos.277 &
278/2019 and R11 and R12 in OSA Nos.279, 280
and 281 of 2019
Mrs.Rohini Ravikumar for R3 & R5 in OSA
Nos.279, 280 and 281 of 2019

COMMON JUDGMENT

(Judgment of the Court was delivered by **R.MAHADEVAN, J**)

Sport is always regarded as a potent tool to achieve human development such as psychological and physical rehabilitation. It is construed as a bridge, which would associate with peace and social mobilization by providing a physical foot point. It is an arena, where relationship can be built among the team-mates even in the midst of adversaries in the form of competition. It will benefit the sports personnel to develop their skills of teamwork, communication, confidence, leadership qualities, co-operation and respect, so that they will become members, who can contribute to the society. With a vision to make our country a super power in sports, the Government of India has spiralled the Khelo India Movement to encourage sports. Much importance is now, given to the sports and it has been emphasized periodically. However, in pursuit for power and authority, Sports Associations relentlessly involved in *inter se* conflicts between themselves, which not only



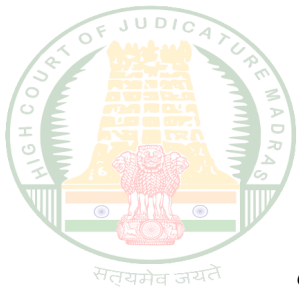
affects the organisational stability, but also would have detrimental effects on the young players of the sport. It would create a sense of lack of clarity in the minds of the young sports persons and also would lower their morale and defeat their spirit. One such unfortunate and regrettable situation is the instant case.

2. The contesting fourth defendant in the suit in C.S. No. 126 of 2019 viz., Tamil Nadu Football Association, has come forward with these appeals questioning the validity and/or correctness of the common order dated 27.09.2019 passed by the learned Judge in the applications filed by the plaintiffs as well as defendants in the said civil suit.

3. One Penner Senior FC, represented by its Secretary, Krishnagiri and 11 others filed the suit in C.S. No. 126 of 2019 against (i)the Government of Tamil Nadu, represented by its Secretary, Commercial Taxes and Registration Department, Chennai, (ii)the Registrar of Societies, Chennai, (iii)Inspector General of Registration, Chennai, and (iv)Tamil Nadu Football Association, Chennai, for the following reliefs:-

(a) *To declare the notices dated 07.01.2019 and 22.01.2019 issued by the fourth defendant for convening the 83rd Annual Ordinary Congress to be held on 09.02.2019 at Hotel Green Palace, SNM Greet City, Vilar, Trichy - Nagar Express Way, Thanjavur - 613 006 as null*

and void,
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(b) *For a permanent injunction restraining the office bearers of the fourth defendant from discharging official functions as office bearers,*

(c) *To declare all the actions, decisions, letters and emails of the fourth defendant from 20.09.2018 as null and void,*

(d) *For a permanent injunction restraining the fourth defendant from conducting Annual Ordinary Congress to be held on 09.02.2019 at Hotel Green Palace, SNM Greet City, Vilar, Trichy - Nagar Express Way, Thanjavur - 613 006,*

(e) *To declare the voting rights of the 12th plaintiff through its office bearers elected on 28.12.2018 as valid."*

4. According to the Plaintiffs, the 12th Plaintiff (i.e) Krishnagiri District Football Association is actively involved in the game of football and was associated with Youngster Football Club, Kaveripattinam. It was instrumental in establishing Pennar Football Club, in which many players enrolled themselves as its members. Subsequently, the Club was bifurcated into two, one named as Pennar Junior and the other named as Senior Football Club. It was further stated by the plaintiffs that there are about 18 clubs which are affiliated as Members of Krishnagiri District Football Association/12th Plaintiff. However, the 12th Plaintiff lacks funds and the member clubs always look upon the office bearers of District Football Association for guidance and instructions in conducting tournaments.

5. The Plaint further proceeds to state that the fourth defendant (i.e.) Tamil Nadu Football Association is the apex body for the game of football and it is registered under the Tamil Nadu Societies Registration Act, 1975. It has



its own bye-laws and it is affiliated with All India Football Federation (AIFF).

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The fourth defendant as well as AIFF receive grants, aids and sponsorships from the State and Central Governments for conducting tournaments, coaching camps, travel expenses for players, etc. Thus, the fourth defendant and AIFF are responsible for the game of football in Tamil Nadu and India respectively. According to the plaintiffs, the office bearers of the 4th defendant Association were elected on 21.09.2014 and their tenure expired on 20.09.2017. As per the bye-laws of the fourth defendant Association, election has to be conducted to elect new office bearers, however, the fourth defendant Association did not conduct such election and the office bearers, whose term already expired, continue to remain at the helm of affairs. When the office bearers attempted to amend the bye-laws after expiry of their term, Chennai Football Association had filed O.A. Nos. 913 and 914 of 2018, in which, this Court granted an order of interim injunction.

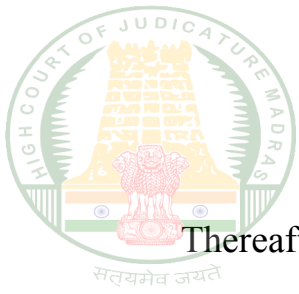
6. In the plaint, the Plaintiffs had given a detailed account complaining various acts resorted to by the office bearers in complete violation of the Constitution and the principles of natural justice. It was further stated that the members of the fourth defendant Association also did not submit the annual audited financial statement, annual budget, reports etc., as



required. It was the grievance of the plaintiffs that due to the inaction of the

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office bearers of the fourth defendant Association, the member clubs were not getting adequate opportunity to participate in the tournaments. The Plaintiffs therefore gave a detailed representation on 18.09.2018 to the former President of the District Federation, but there was no response. They also submitted a representation on 06.10.2018 to the fourth defendant as well as AIFF and the same was not acted upon. On 04.12.2018, the 12th plaintiff Association sent a detailed letter to all the members informing them about the inaction on the part of the fourth defendant as well as AIFF and requested the members to co-operate in conduct of election to elect new office bearers. For this purpose, on 28.12.2018, a Special General Body Meeting of the 12th Plaintiff was held at Hotel RKV, Krishnagiri and a Senior Most District Football player Mr. Syed Siddique Basha conducted the election as Returning Officer and the result of the election was communicated to the fourth defendant through a letter dated 02.01.2019. On the other hand, the fourth defendant proposed to conduct an Executive Committee Meeting on 06.01.2019, but no notice was sent to the 12th plaintiff. On coming to know about the meeting to be held on 06.01.2019, the 12th Plaintiff authorised its Secretary to attend the meeting of the fourth defendant Association, but on reaching the venue, the Secretary of the 12th Plaintiff was denied permission to attend the meeting on 06.01.2019.



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Thereafter, on 09.01.2019, the fourth defendant sent a communication to the
WEB C 12th Plaintiff stating that the election of the 12th Plaintiff held on 28.12.2018

was illegal. While so, the plaintiffs came to know that the Annual Congress of the fourth defendant was slated to take place on 09.02.2019 at Thanjavur for which nominations were called for. The Plaintiffs got a copy of the Annual Report of the fourth defendant through other Association, in which, reference was made as if annual league matches of the 12th Plaintiff Association has been conducted regularly, but such matches were never conducted. According to the plaintiffs, the elected office bearers of the 12th Plaintiff Association has a statutory right to participate in the Annual General Body meeting of the fourth defendant Association as per Article 12.3 of the Constitution of the fourth defendant. However, the fourth defendant has not served any notice on the 12th Plaintiff and unilaterally attempting to conduct the Annual General Body meeting and any meeting without the participation of the plaintiffs would be a nullity. With these averments, the plaint came to be filed by the plaintiffs.

7. Pending the suit, the plaintiffs preferred two applications viz.,
(i) O.A. No. 128 of 2019 praying to grant interim injunction restraining the present office bearers of the fourth defendant Association, their men, agents



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and associates from convening the proposed 83rd Annual Ordinary Congress

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Trichy-Nagar Express Way, Thanjavur - 613 006 or at any other place and any

similar meeting on subsequent dates until final disposal of the suit; and

(ii) Application No. 1153 of 2019 praying to grant an interim direction to

supersede the fourth defendant and appoint an Administrator to conduct the

elections for the fourth defendant Association after following the mandatory

provisions of the fourth defendant's bye-law and the Tamil Nadu Societies

Registration Act, 1975.

8. On 08.02.2019, when the matter was taken up for consideration, the learned Judge granted an order of interim injunction in OA No. 128 of 2019 in C.S. No. 126 of 2019 filed by the plaintiffs. Despite the said order and the same having been communicated, the fourth defendant conducted the election and the decision taken in Annual Ordinary Congress held on 09.02.2019 at Hotel Green Palace, SNM Green City, Vilar, Thanjavur. Aggrieved by the same, the Plaintiffs filed two applications viz., (i)Application No. 1554 of 2019 to punish the fourth defendant and others for the alleged disobedience of the interim order dated 08.02.2019 granted in OA.No.128 of 2019 in CS No.126 of 2019; and (ii)Application No. 1555 of



2019 praying to set aside the election and decisions taken at Annual Ordinary Congress held on 09.02.2019 at Hotel Green Palace, SNM Green City, Vilar, Trichy-Nagar Express Way, Thanjavur - 613 006.

9. On notice, the fourth defendant in the suit filed Application No. 1774 of 2019 to vacate the aforesaid interim injunction granted in OA.No.128 of 2019 in CS No.126 of 2019.

10. All the aforesaid applications were taken up for consideration by the learned Judge and after hearing the counsel for both sides, the order dated 27.09.2019 came to be passed with the following observations:

"44. The facts narrated above, lead me to believe that the meeting said to have taken place on 27.05.2018 is shrouded in mystery. No clear records are available. Of course Mr. AR.L. Sunderasan, learned Senior Counsel appearing for the fourth defendant would contend that those persons, who claim to have been elected in the meeting held on 27.05.2018 are not made parties to the suit, hence he is not in a position to explain. This stand is taken only now at the time of hearing of the applications, when the contradictions are pointed out to the learned Senior Counsel. It is not as if those persons are not aware of the litigation. They have filed supporting affidavits under their oath and they have also attested some of the supporting affidavits. Therefore, they cannot claim ignorance about the litigation.

45. The fourth defendant has produced almost all the records in order to establish that the meeting was held on 27.05.2018, but the essential communication by which the result of the meeting dated 27.05.2018 was informed to the fourth defendant was not produced, though sufficient time was granted to the fourth defendant and an assurance was given by the learned Senior Counsel to produce the same. I am therefore of the considered opinion that the meeting said to have been taken place on 27.05.2018 did not take place at all and



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records have been manipulated to show that such meeting had in fact taken place. There is no explanation for the contradictions, which have been cited above, on the part of the fourth defendant. I am therefore of the considered opinion that the fourth defendant had not invited the properly elected persons for the Ordinary Congress that was held on 09.02.2019, therefore, the plaintiffs are aggrieved by the conduct of the fourth defendant.

46. On the question of the tenure of the office bearers, Section 15(4) of the Tamil Nadu Societies Registration Act is mandatory, it provides that the term of the office of the members of the Committee **shall** not exceed three years from the date of their appointment. This Court in **Periyar Self-Respect Propaganda v. State of Tamil Nadu and Others**, reported in **AIR 1988 Mad 27**, held that Section 15(3) and 15(4) would have retrospective operation from the date of their incorporation in the main Act. This Court also pointed out that any provision in the bye-law will have to give way to the new provision in view of Section 53 of the Act, which provides that any old bye-law which is inconsistent with the provisions of the new Act will have to be invoked. Therefore, the tenure of office bearers of the fourth defendant Association expired as early as on 19.09.2018 and they had no right to continue in office after the said date. If they have no right to continue in office after the said date, they do not have any right to convene General Body Meetings or to conduct elections. Therefore, the entire process of the convening of the Annual Congress on 09.02.2019 and the conduct of elections is vitiated not only by non compliance with the Statutes, but also because of noncompliance with the provisions of the Tamil Nadu Societies Registration Act.

47. I therefore have no hesitation in holding that the very convening of ordinary congress on 09.02.2019 by persons who are **surreptitiously** holding office without conducting election is illegal and any decision taken therein cannot be implemented as the same will amount to continuing or perpetuating the illegality.

48. No doubt true that the applicants in OA No.128 of 2019 have only sought for an order of injunction restraining the respondents from convening the 83rd Annual Ordinary Congress on 09.02.2019 and the ordinary congress had been convened despite an order of injunction that is granted by this Court on 08.02.2019, the applicants cannot be left high and dry, particularly in the light of the fact that, I have found that the very convening of the Annual Congress on 09.02.2019 is illegal.

49. The applicants have also filed an Application in Application No.1555 of 2019 seeking to set aside the election and decisions taken in the Annual Congress held on 09.02.2019. In the light of the discussion above, which shows that the very convening Congress is illegal, Application No.1555 of 2019 is allowed, the election that was held on 09.02.2019 and the other decisions taken in the Annual Congress dated 09.02.2019 are set aside. In view of the



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above OA No.128 of 2019 and A.No.1774 of 2019 are closed as no further orders are necessary.

50. For the same reasons, Application in A.No.1153 of 2019 is allowed, the Executive Committee of the fourth defendant is superseded and Hon'ble Mr.Justice A.K.Rajan (Retired) is appointed as Administrator with a request to settle the disputes in all the District Associations under Article 17 of the statutes, to convene the Ordinary Congress of the Tamil Nadu Football Association and conduct elections for the same. The Administrator will be entitled to a honorarium of Rs.75,000/- per month, which can be drawn by him from the fourth defendant.

51. Insofar as the Contempt Application No.1554 of 2019 is concerned the applicants would contend that despite having knowledge of the fact that this Court had granted an order of injunction, the respondents in A.No.1554 of 2019 had gone ahead with the conduct of the meeting, which amounts willful disobedience of the order of this Court. Apart from tendering an unconditional apology, the respondents have filed a counter stating that they were not aware of the order of injunction. I am unable to accept the ignorance pleaded by the respondents in view of the following facts.

52. It is seen from the whatsapp messages, which have been produced, the second contemnor, namely J.Jesiah Villavarayar, had received the copy of the order sent by whatsapp at 10.09 a.m. and he has seen the same at 10.10 a.m. on 09.02.2019. He would, however, claim in his affidavit that he was not allowed to take his mobile phone inside the venue and he was in the venue at 9.30 am. This claim is belied by the photographs that have been produced showing that all the office bearers were sitting in the Dais with their mobile phone either on the table or in their shirt pocket. The second respondent Mr.J.Jesiah Villavarayar, has his Mobile phone in his pocket as seen from the photographs at page 20 of the typed set filed by the applicants on 20.02.2019. It is, however, claimed that these photographs were not taken at the venue. The said claim is false. The banner behind the photographs would show that these photographs were taken at the venue.

53. Apart from the above, it is seen that the other office bearers, particularly, the Secretary of the Thanjavur District Foot Ball Association had received and seen the whatsapp messages/communication sent to him at around 8.00 p.m. on 08.02.2019 itself. The copy of the order has also been served on Mr.A.Kannan, who has also filed an affidavit saying that he received the copy and he left the place and he did not attend the meeting. The whatsapp messages sent to Mr.Senee Mohideen, Secretary of the Madurai District Football Association, Mr.Sivanandan, Secretary of the Thanjavur District Football Association and Mr.Suresh J.Manohar, Secretary of Theni District Football Association have been received on their mobile phones through whatsapp and they



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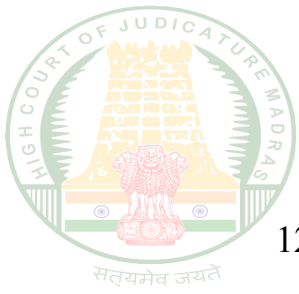
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have also seen the same on 08.02.2019 at around 8.30 p.m. All these would demonstrate that the respondents had knowledge of the fact that this Court had granted interim order of injunction. Apart from the above, the fact that interim injunction was granted was widely published in various newspapers, including the Trichy edition of The Hindu dated 09.02.2019 and Email was also sent enclosing the order to the fourth respondent to the official email ID. Despite the same the respondents have chosen to conduct the meeting and declare themselves elected.

54. Apart from the above, it is also seen from the records the complaint was made to the Inspector of Police, Thanjavur on 09.02.2019, complaining that the second contemnor had refused to receive the copy of the order, when it was attempted to be served on him. All these would show that the contemnors have not only disobeyed the order, but they also burk real facts from the Court. False affidavits have been filed stating that they were not allowed to take their mobile phone into the meeting hall. This shows the nonchalant attitude of the respondents. Recording these facts, I had passed an order on 29.04.2019 restraining the persons, who claimed to have been elected from functioning as office bearers of the Association. Despite the said order, the second respondent contemnor had continued to describe himself as a legal custodian of the Tamil Nadu Football Association even in subsequent communications.

55. This conduct leaves no doubt in my mind that the respondents in A.No.1554 of 2019 have willfully disobeyed the order of this Court and had conducted the meeting and they had continued to disobey the orders of this Court in functioning as the elected office bearers of the fourth defendant/respondent Association, despite the order dated 29.04.2016, which was passed in the presence of their counsel. There is no explanation, whatsoever, for such continued disobedience by the respondents. Hence I am of the opinion that the respondents deserved to be punished for having willfully disobey the orders of this Court. I therefore, direct the respondents to be detained in Civil Prison for a period of four days from the date of their detention. The operation of this order of punishment will remain stayed for the period of 30 days from today."

11. It is as against the above order dated 27.09.2019 passed by the learned Judge, the fourth defendant in the suit has filed the present appeals.



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12. On 07.01.2020, when the matters were taken up for consideration, the learned Administrator appointed by the learned Judge was directed to conduct meeting to Krishnagiri District Football Association, after issuing due notice to all the members of the Association in accordance with the bye-laws, identify the office bearers and file a report. While so, the appellant was directed to conduct the football matches in consultation with the learned Administrator, insofar as Krishnagiri Football Association is concerned. Subsequently, by order dated 06.03.2020 in CMP No.5620 of 2020 filed by Dynamo Football Club and Krishnagiri Town Football Clubs, this court directed them to participate in the election process and the result of the election should be produced in a sealed cover on 18.03.2020. Pursuant to the same, the learned Administrator conducted the election on 07.03.2020 and filed his report dated 11.03.2020 in a sealed cover.

13. During the course of hearing, the learned senior counsel for the appellant submitted that the entire dispute as alleged by the plaintiffs is only with regard to the office bearers of Krishnagiri District Football Association and there is no dispute with regard to the appellant Association. Adding further, the learned senior counsel submitted that the tenure of the office bearers came to an end on 19.09.2018, and they had no right to continue in



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office after the said date. It is further submitted that the plaintiffs sought for an injunction from convening the meeting on 09.02.2019, however, the learned Judge erred in holding that the meeting held on 09.02.2019 is illegal and setting aside the decisions taken in the annual congress held on 09.02.2019, by the order impugned herein. It is also submitted that the order of the learned Judge was not served on the fourth defendant and without having knowledge about the same, the fourth defendant had conducted the meeting on 09.02.2019 and thus, they have not committed any contempt.

14. The submissions so made on the side of the appellant have been refuted by the learned counsel for the respondents. According to the learned counsel, the appellant Association conducted the Annual Congress of the Tamil Nadu Football Association, without serving a copy of the notice on the plaintiffs. Further, they violated the order of the learned Judge dated 08.02.2019 in OA.No.128 of 2019 in CS.No.126 of 2019, thereby conducting the meeting and taking decisions in the annual congress of the Association on 09.02.2019.

15. However, the learned counsel for both sides ultimately submitted that in order to give quietus to the issues involved herein, a Committee may be



constituted under the chairmanship of the learned Administrator already appointed by the learned Judge, by adding some members, to administer and take over the affairs of Tamil Nadu Football Association, fourth defendant in the suit and dispose these original side appeals accordingly, leaving the other issues to be agitated before the learned Judge. Having regard to the same, this court directed the parties to file memo, suggesting the names of Prominent football players as well as Adocates practising before this court to be appointed as Committee Members.

16. Accordingly, both the parties have filed their respective Memos on 16.03.2023 and 25.01.2023, which read as follows:

Memo dated 16.03.2023 filed by the appellant / Tamil Nadu Football Association:

"It is respectfully submitted as follows:-

i) The Honourable Madras High Court had directed us to file a list suggesting names of members to be appointed to form a Committee to overlook the Election Process of the Tamil Nadu Football Association on the last hearing date i.e., 13.03.2023.

ii)

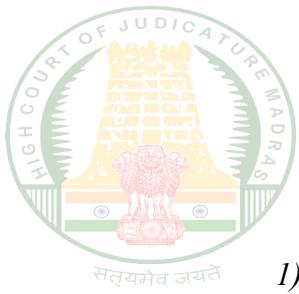
iii)

iv) The following are the names of the members suggested by us

a) All India Football Federation Observers and also Eminent Football players:-

*1) Mr. Harjinder Singh
Honorary Secretary
Punjab Football Association and former India
International Player*

*2) Mr. Jo Paul Ancheri
Former India International Player
and also acted as Captain of the team*



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- b) *Advocates list:-*
- 1) *Ms. Kanimozhi Mathi (Practising in Madras High Court)*
Address : Rohit Tower
(next to TNSC Bank Main Gate)
No.127/261. Contact No. 995208 1186
 - 2) *Mr. Sudhan Raj*
Advocate
Practising in Madras High Court
- c) *TFA Eminent Football Players List*
- 1) *A. Robin Charles Raja*
- Asian Football Confederation Pro License Coach
- former TN State Footballer -
- Selector/Scout for All India Football Federation in the age
group from 2018-2012 for Indian National Team
- Coached TN State teams in National/National Games/I
League
- Was selector for SDAT Sports Hotel in various age groups
from 2017-2022
 - 2) *Mr. R. Prabakaran, B.A.B.L.,*
- Played for Tamil Nadu State Civil Services Football Team for
several years and participated in the All India Civil Services Football
Tournaments
- Acted as Captain of the team also

Hence, we hereby pray that this Honourable Court may be pleased to appoint a retired Honourable Judge of the Honourable High Court to conduct the elections along with the Advocates or Assistants as this Honourable Court may think fit.

Hence, this Memo is filed praying that this Honourable Court may be pleased to pass orders for conducting the elections alone."

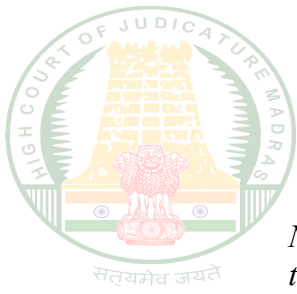
Memo dated 25.01.2023 filed by the respondents

"The respondent humbly submits as follows:-

i) It is submitted that this Honourable Court in the hearing held on 23.01.2023 directed both parties to file a memo suggesting names of renowned football players in Tamil Nadu and names of advocates to constitute an Administrative Committee to take over administration of the affairs of Tamil Nadu Football Association.

2. The key role of the above Administrative committee may be as follows:-

a) To adopt the by-law of the association in line with the



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National Sports Code, By-laws of All India Football Federation and also the provisions of the Tamil Nadu Societies Registration Act.

b) *To resolve all the dispute in all the District Football Associations (DFAs)*

c) *To identify the duly elected office bearers of each DFAs based on the records to be called for from the respective DFAs*

d) *To conduct elections from DFAs where there is a serious dispute in identifying the elected office bearers*

e) *To finalise voters list and to conduct elections for Tamil Nadu Football Association*

f) *To conduct league matches and tournaments till election of office bearers to Tamil Nadu Football Association taking charge*

g) *To communicate with All India Football Federation and other State Associations*

h) *To communicate with Government Authorities and officials*

i) *To communicate with DFAs and other member clubs*

j) *To select players to represent Tamil Nadu in National tournaments and matches*

k) *To register players name with online portal of All India Football Federation*

l) *To conduct meetings with DFAs and member clubs*

m) *To take all other necessary actions and decisions that are necessary for the effective administration of the Tamil Nadu Football Associations*

n) *To function from the registered office of the Tamil Nadu Football Association.*

3. *The respondents herein suggest following names of the sports person who may be considered to be appointed as a member of the Administrative Committee of Tamil Nadu Football Association*

1) *Mr. Mohammed Amjad*

2) *Mr. V.P. Sathiesh Kumar*

3) *Mr. Raman Vijayan*

4) *Mr. R. Basheer Ahamed*

The respondents have also submitted profile of all the above players along with this memo for the ease reference of this Honourable Court.

4. *The respondent also suggests name of the following Advocates who may be considered to be appointed as Joint Members of the Administrative Committee.*

1) *Mr. Arun Anbumani*

No.4, Law Chambers

Madras High Court, Chennai 104



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- 2) *Mr. Niranjana Rajagopal*
No.III A, High Court Chambers
Madras High Court, Chennai - 104
- 3) *Mr. Stalin Abhimanyu*
No.336, Old No.166, 2nd Floor
Shaw Wallace Buildings
Thambu (C) Street, Chennai - 600 001"

17. This court considered the submissions made by the learned counsel appearing for the parties and perused the materials available on record, including the order passed by the learned Judge, which is impugned herein. It is pertinent to point out that sports symbolise the spirit of brotherhood, tolerance, mutual respect, leadership quality, command and communication, fostering the spirit of accepting victory and defeat as one and the same. Therefore, it should be made as a platform, where everyone can be given an equal opportunity to prove their might without being discriminated on the ground of gender or disability in any forms or manifestation. A sports person should not be defeated by discriminating him/her from participating in the arena of sports, but the defeat should be in the real field, after allowing all those, who have the potential to participate in the sports, so that they can contribute with their spirit, body, mind and soul ably. Often participation and completion itself is seen as an inner victory. It is the process, one undertakes to compete in sport that alleviates the inner spirit, facilitating change in one's



perspective towards life and fellow human beings. The spirit behind Khelo India Movement is to unearth the talent and potential from every possible part of our diversified and vast country, both in terms of landscape and population. However, in this case, due to the disputes between the plaintiffs and the defendants, some sports events, tournaments or competitions could not be conducted, whereby the sports personnel were deprived of an opportunity to exhibit their prowess, talent and skill and the same should not be allowed to continue any further. After all, the object of the Associations before this Court is only to promote the game of Football in the State by creating more infrastructure and opportunities and kindle the interest among the younger generation.

18. Therefore, in the given factual matrix and as suggested by the learned counsel appearing for both sides, this court is inclined to constitute an administrative committee consisting of Chairman and four other members, instead of an Administrator, for the purpose of administering and looking after the affairs of the fourth defendant Association, as a temporary measure, with the following directions:

a. An administrative committee is constituted under the Chairman of Hon'ble Mr.Justice A.K.Rajan (Retd) with four members viz., (i)Mr.R.Basheer



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Ahamed (ii)Mr.Harjinder Singh (iii)Mr.Stalin Abhimanyu and

(iv)Ms.Kanimozhi Mathi, to admister the 4th defendant association,

b. The administrative committee shall administer the 4th defendant association until the new administrative body is elected and approved by this court,

c. The administrative committee shall convene a general body meeting of all the members of the 4th defendant association and address their grievances before conducting the elections to the 4th defendant association,

d. The administrative committee shall conduct elections to the District Football Associations, wherever there are no office bearers, after verifying the list the member's club registered with each District Association in the state,

e. The administrative committee shall finalise the list of members eligible to vote and publish the same by inviting objections and thereafter conduct the elections to the 4th defendant association as per the existing by-laws,

f. The administrative committee shall manage the affairs of the 4th defendant and perform all the functions of the 4th defendant association including but not limited to conduct of sport meet at club level, district level and state level as per the practice and by following the regular procedure as



have been adopted by the 4th defendant association, to communicate with the

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All India Football Federation and other state associations, to implement the programmes and instructions of All India Football Association, to engage the service of professionals and coaches to select the players to represent in national and state level meets and tournaments, to ensure that district level meets and tournaments are promptly conducted, to take steps to digitalize the list of members and players registered with the 4th defendant association and the district associations, to create a platform to lodge complaints and grievance addressal forums/bodies,

g. The administrative committee shall cause a statutory audit of the 4th defendant association to be conducted and file a report before this court within two months from the date of receipt of a copy of this judgment,

h. The administrative committee shall maintain proper accounts during the tenure of its functioning until the new office bearers are elected and submit a report to this Court regarding the income, expenditure and the actions taken by them for promotion of the game in the capacity as interim care taker,

i. The administrative committee shall verify and collect all the records of the 4th defendant association with the Registrar of Societies and place the same before this Court within 30 days from the date of receipt of a copy of this

judgment,



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j. The administrative committee shall ensure that there is no arbitrariness or discrimination in the selection process and due weightage shall be given to talent,

k. The administrative committee shall ensure that there is adequate representation for women at every level of administration as the 4th defendant association is also to maintain the women's football in the state,

l. The administrative committee shall put in place a Vishaka Committee to address the grievance of the women football players, if any,

m. The administrative committee shall conduct a detailed study of various football associations including but not limited to amendment to the bye-laws that can be suggested, welfare programmes directed towards the retired players, promotion of the game, adequacy of compensation to players, steps to taken to ensure transparency and fair place,

n. The result of the election with regard to Krishnagiri District Football Association conducted by the learned Administrator as directed by this court, is approved. The administrative committee shall issue appropriate direction to the elected office bearers to assume office and start functioning with immediate effect. The election expenses incurred as mentioned in the report of the Administrator dated 11.03.2020, shall be drawn from the account of the fourth defendant and paid to the officers concerned and thereafter, get it

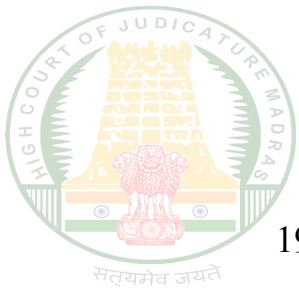


reimbursed from the account concerned.

WEB COPYo. The Chairman of the administrative committee shall be paid a honourarium of Rs.75,000/- per month as ordered by the learned Judge and each member shall be paid a honourarium of Rs 25,000/- per month, which can be drawn from the fourth defendant Association,

p. The parties are granted liberty to approach this court for clarifications or further directions, as may be required by them,

q. Insofar as the order passed in application no.1554 of 2019, though we do not find any ground to interfere with the reasons and findings of the Learned Judge, considering the unconditional apology expressed by the appellants, the agreement entered into between the parties, and the submissions of the learned senior counsel appearing for the appellants to show some leniency by modifying the order, with a warning that every order of this court has to be complied with in letter and spirit with promptitude, the sentence imposed on the appellants is modified into one of fine of Rs.75,000/- each payable by the appellants in their personal capacity in favour of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, within a period of two weeks from the date of receipt of a copy of this judgment, failing which, the order of sentence shall stand restored.



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19. Accordingly, the order of the learned Judge is modified and all

WEB COPY these original side appeals are disposed of, leaving all the issues to be agitated in the suit. No costs. Consequently, all the connected miscellaneous petitions are closed.

[R.M.D., J] [M.S.Q., J]

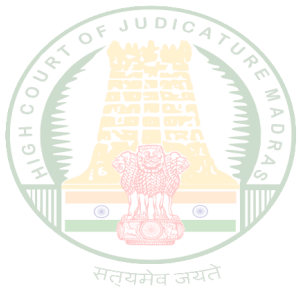
20.09.2023

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-Speaking Order

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