

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2016

CORAM:

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

C.S.No.157 of 2016 and O.A.Nos.200 & 201 of 2016 and 2964 & 2965 of 2016; C.S.No.683 of 2016 and O.A.No.826 of 2016 and C.S.No.747 of 2016 and O.A.Nos.905 & 906 of 2016

C.S.Nos.157 of 2016

1.V.V.R. Raj Satyen
No.1-B, Sun Pride Apartments,
Second Street, Ganapathy Colony,
Gopalapuram, Chennai-600 086.

2.Sendhil Thyagarajan,
No.43/87, Kasturi Avenue,
MRC Nagar, Chennai-600 028.

.. Plaintiffs

Vs.

1.Tamil Nadu Basketball Association,
Represented by its Secretary,
No.53, Egmore High Road, Egmore,
Chennai-600 008.

2.Mr.A.D.Senthureswaran

3.Mr.G.Skandakumar

4.Mr.L.Suren

.. Defendants

C.S.No.683 of 2016

Tamil Nadu Basket Ball Association,
Represented by its President Mr.V.V.R.Raj Satyen,
New No.106, Old No.62, 5th Street,
Ellai Amman Colony, Teynampet,
Chennai-600 086.

.. Plaintiff

Vs.

Mr.L.Suren, Secretary,
Tamil Nadu Basket Ball Association,
New No.25, Old No.11-A, Sarangapani Street,
T.Nagar, Chennai-600 017.

.. Defendant

C.S.No.747 of 2016

- 1.Mr.V.V.R. Raj Satyen,
S/o V.V.R.Rajan Chellappa, President,
Tamil Nadu Basket Ball Association,
New No.106, Old No.62, 5th Street,
Ellai Amman Colony, Teynampet,
Chennai-600 086.
- 2.Mr.Sendhil Thyagarajan
S/o T.G.Thyagarajan,
Vice President,
Tamil Nadu Basket Ball Association,
No.43/87, Kasturi Avenue, M.R.C. Nagar,
Chennai-600 028.
- 3.Mr.S.R.Vetrivel, S/o S.Ranganathan,
Vice President, Tamil Nadu Basket Ball Association,
No.11, Kaliyappan Gownder Street,
Manthikonpalayam, Dharmapuri-636 701.
- 4.Mr.D.Parventhan,S/o K.Dhakshinamurthy,
Joint Secretary, Tamil Nadu Basket Ball Association,
No.1-A, Ilakyya Illam, SMS Apartment,
Ganesapuram 4th Street, Teynampet,
Chennai-600 018.
- 5.Mr.D.Abuthagir, S/o M.Dasthagir,
Joint Secretary,Tamil Nadu Basket Ball Association,
No.21/24, Vedakovil Street,
Sivagangai-630 561.
- 6.Mr.C.Tayumanavan, S/o R.Chellasamy,
Joint Secretary, Tamil Nadu Basket Ball Association,
No.15-A, LN Puram, Arandhangi,

Pudukottai District.

.. Plaintiffs

Vs.

1.Mr.L.Suren, S/o Lakshmanan,
Secretary, Tamil Nadu Basket Ball Association,
New No.25, Old No.11-A, Sarangapani Street,
T.Nagar, Chennai-600 017.

2.Mr.T.A.Andrapathy, Treasurer,
Tamil Nadu Basket Ball Association,
Old No.63/4, New No.135/4,
G.N.Chetty Road, T.Nagar, Chennai-17.

.. Defendants

Civil Suit No.157 of 2016 is filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 C.P.C., seeking declaration to declare that the decision taken in the Tamil Nadu Basketball Association's /first defendant's alleged general council meeting held in Erode on 20.03.2016 or in any other alleged meeting, removing the plaintiffs from their posts of President and Vice President of the Tamil Nadu Basketball Association respectively, as illegal, null and void; permanent injunction restraining the defendants from implementing/giving effect to the decision taken in the Tamil Nadu Basketball Association's alleged general council meeting held in Erode on 20.03.2016 or in any other alleged meeting, removing the plaintiffs from their posts of President and Vice President of the Tamil Nadu Basketball Association respectively; permanent injunction restraining the second to fourth defendants from interfering with the functioning of the Tamil Nadu Basketball Association/first defendant under its duly elected Executive Committee pursuant to the elections held on 31.05.2015; and for costs.

Civil Suit No.683 of 2016 is filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 C.P.C. Seeking to declare that the decision of the defendant herein dated 19.09.2016 to hold the Mini State Championship of the plaintiff Association (basket Ball) at Tanjavur

between 24.09.2016 to 27.09.2016 or on any other date as null and void and not binding on the plaintiff's Association and its members; Permanent injunction restraining the defendant herein, his men, servants or anyone claiming under him from in any manner holding the Mini State Championship of the plaintiff Association (basket Ball) at Tanjavur between 24.09.2016 to 27.09.2016 or on any other date at any other place on the basis of the unilateral decision taken by the defendant herein; Permanent injunction restraining the defendant, his men, servants or anyone claiming under them from in any manner interfering with the plaintiff's Association in conducting the Sub Junior Inter District Basket Ball Championship (under 14) at Madurai between 24.09.2016 to 27.09.2016 on the basis of the decision of the Executive Committee Meeting of the plaintiff Association taken on 17.08.2016 as ratified in the Executive Committee Meeting held on 19.09.2016 and for costs.

Civil Suit No.747 of 2016 is filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 C.P.C., seeking declaration to declare that the notice dated 19.09.2016 issued by the first defendant herein as Secretary of the Tamil Nadu Basketball Association, Chennai, convening the General Council Meeting (Extraordinary General Body Meeting) of the Tamil Nadu Basketball Association on 16.10.2016 as illegal and null and void; Permanent injunction restraining the first defendant from unilaterally convening any General Council Meeting or General Body Meeting or Extraordinary General Body Meeting of the Tamil Nadu Basket Ball Association and for costs.

For plaintiffs : Mr.P.R.Raman
in C.S.No.157/2016

For plaintiffs : Mr.AR.L.Sundaresan,S.C., for
in C.S.Nos.683 & 747 Mrs.AL.Ganthimathi
of 2016

For defendants in C.S.No.157/2016	: Mr.Vaidyanathan for Mr.S.Lokaiah for D1 Mr.Silambanan, S.C., for Mr.P.N.Chezhian for D2 Mr.P.S.Raman for Mr.P.V.Balasubramanian for M/s BFS Legal for D4
For defendants in C.S.No.683/2016	: Mr.P.S.Raman for Mr.P.V.Balasubramanian for M/s BFS Legal
For defendants in C.S.No.747/2016	: Mr.P.S.Raman for Mr.P.V.S.Balasubramanian for M/s BFS Legal
Mr.C.P.Siva Mohan	- Supervisor/Observer

COMMON JUDGMENT

The learned counsel appearing for the parties expressed utmost satisfaction in the way in which the election was conducted under the aegis of the learned Observer/Supervisor. In fact, the learned Observer/Supervisor has acted as a Mediator and brought forth a settlement between the parties, which is also minuted. The parties in all these proceedings agreed to the Minutes recorded in the Extraordinary General Body Meeting of Tamil Nadu Basket Ball Association held on 16.10.2016. It is also submitted that the original Minutes of the Extraordinary General Body Meeting held on 16.10.2016 is also to be taken

on the file of this Court.

2. Accordingly, by consent, the above said report containing the Minutes is recorded hereunder:

- “a. The existing elected office bearers of TNBA would continue to serve in their respective posts;
- b. The allegations and counter allegations and the three civil suits viz., C.S.No.157 of 2016, C.S.No.683 of 2016 and the present C.S.No.747 of 2016, all pending on the file of this Hon'ble High Court of Madras would be withdrawn unconditionally;
- c. The audited statements submitted by Thiru L.Suren are accepted by the GB, subject to those Accounts being scrutinized by the Auditor to be appointed;
- d. Reforms/Amendments in By-Laws would be made, circulated among the GB members and necessary steps would be taken for amendments in the upcoming GB in the year 2017;
- e. The decisions for the core day-to-day activities shall be made by the Secretary and the President, with appropriate approvals by the EC members;
- f. The legal notice dated 12.10.2016, caused at the instance of Thiru D.Parventhan, Jt. Secretary, TNBA, against Thiru L.Suren, Thiru V.Lakshmanan (Third Party to the TNBA) and the Company M/s Arudra Engineers Private Ltd., was placed before GB

and the proposal for withdrawal was accepted and that Thiru D.Parventhan through his counsel would initiate the process of withdrawal of the same;

g. All Agendas 1 to 14, except Agenda No.12 proposed by the President at the EGM were passed by the EGM.”

3. In view of the same, by consent, all the three suits are dismissed as withdrawn as nothing survives for adjudication. The report and the Minutes as indicated above shall form part of the record. Consequently, connected applications are also dismissed. No costs.

4. Additional remuneration of Rs.50,000/- shall be paid to the learned Observer/Supervisor by the plaintiffs in C.S.No.747/20.

24.10.2016

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M.M.SUNDRESH,J.

**C.S.No.157 of 2016 and
O.A.Nos.200 & 201 of 2016 and
2964 & 2965 of 2016; C.S.No.683
of 2016 and O.A.No.826 of 2016
and C.S.No.747 of 2016 and
O.A.Nos.905 & 906 of 2016**

24.10.2016