

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 2ND DAY OF MARCH 2016

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

O.A. No.110 of 2016

In the matter of
Arbitration & Conciliation
Act, 1996
And
The Arbitration clause
included in the TFA Statute
Constitution Dated
19.12.1982 Bind by the
Applicant and the
respondent

M.Malarmaran,
S/o. Thiru Murugesan
Secretary
Madona Matrix Football Club, Chennai
and Member, Chennai Football Association,
No.6, Manoharan Lane, Chetpet,
Chennai-600 031. : Applicant

Vs.

1. E.Sugumaran
Secretary
Chennai Football Association
No.73, Jawaharlal Nehru Stadium
Chennai - 600 003.

2. The Honorary Secretary
Tamil Nadu Football Association,
No.73, Jawaharlal Nehru Stadium
Chennai - 600 003.

: Respondents

Original Application praying that this Hon'ble Court
be pleased to grant an order of interim injunction
restraining the 1st respondent from conducting, managing
or otherwise interfering in any manner in the league

matches which are to be played by the member teams from 01.03.2016 or any day thereafter.

This original application coming on this day before this court for hearing the court made the following order:

This application is filed seeking for an interim injunction restraining the respondent No. 1 from conducting, managing or otherwise interfering in any manner in the league matches which are to be played by the member teams from 01.03.2016. The very same applicant has filed O.A.No. 1259 of 2015 seeking for an interim injunction restraining the very same respondent No.1 from functioning or discharging his duties as Secretary of Chennai Football Association pending disposal of the Arbitration Proceedings, wherein, this Court by order dated 20.01.2016, directed both the parties to maintain status quo as existed on that date. Thereafter, the present application is filed with the relief as stated supra.

2. The grievance of the applicant in the present application is that by virtue of the order of status quo granted by this Court in O.A. No. 1259 of 2015, dated 20.01.2016, the respondent No. 1 herein, while continuing as the Secretary of the Chennai Football Association, has overstepped and also become the coach of one of the club

namely, Chennai City FC and through his proceedings dated 15.02.2016, fixed the schedule of the league matches for the year 2015-16, which schedule includes the said team namely Chennai City FC for which the respondent No. 1 is the coach. Therefore, it is contended by the applicant that the respondent No. 1, while functioning as a Secretary of the Association cannot take sides or have any personal interest over a particular club which is taking part in the league match.

3. This application is opposed by the respondent No. 1 by filing counter contending that there is no bar in the rules for the Secretary of the Association to be a coach of a particular club.

4. Heard Mr. Satish Parasaran, learned counsel for the applicant, Mr. Sivannandaraj, learned counsel for the respondent No. 1 and Mr. Arun C. Mohan, learned counsel for the respondent No. 2 and perused the materials placed before this Court.

5. The functioning of the respondent No. 1 as the Secretary of the Association at present is not in dispute before this Court even though the election of the respondent No. 1 to such office is questioned and such dispute is pending before the Arbitral Tribunal. Therefore such question, at this stage, does not arise for consideration of this Court as it is for the arbitral

Tribunal to consider and decide upon after hearing the parties on merit. However the fact remains that this Court granted an order of status quo in O.A. No.1259 of 2015 and by virtue of the said order, the respondent No. 1 is continuing as the Secretary of the Association. Now the league match 2015-2016 among the members of the Association is being conducted commencing from 01.03.2016 onwards. It is also not in dispute that the respondent No. 1 has become the coach of Chennai City FC, one of the club which is taking part in the league match. It is also seen that the fixture for the league match 2015-16 was fixed by the respondent No. 1 under his capacity as a Honorary Secretary, through his proceedings dated 15.02.2016. From the schedule of the fixture dated 15.02.2016, it is evident that the Chennai City FC is taking part in the match, where the respondent No. 1 is admittedly, the coach for the said club.

6. Therefore, this Court is of the view that in all fairness, the respondent No.1, while continuing as the Secretary of the Association, ought not to have taken the role of a coach for a particular club, especially when a league match is conducted amongst all the clubs who are members of the Association and more particularly, under the circumstances where fixture is being done by the Secretary himself. Therefore, this Court is of the firm

view that the respondent No. 1 cannot continue as the coach of a particular club namely, Chennai City FC or any other club which is taking part in the league match, pending the league matches. Accordingly, the respondent No. 1 is restrained from functioning as coach of the club namely, Chennai City FC or any other club pending the league matches. Since the respondent No.1 is functioning as the Honorary Secretary, by virtue of the interim order of status quo, he can perform his functions as the Honorary Secretary in all other aspects within his bounds and powers conferred under the by-laws of the Association. This application is ordered accordingly.

sd/.K.R.C.B.J

02.03.2016

//Certified to be a true copy//

Dated this the day of 2016

R.s/02.03.2016

COURT OFFICER

WEB COPY

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.