

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

SATURDAY, THE 27th DAY OF APRIL, 2019

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

O.A.Nos.105 of 2019

and

A.No.930 of 2019

and

A.Nos.2217 & 2218 of 2019

In the Matter of Tamil Nadu
State Volleyball Association.

O.A.No.105 of 2019 and A.No.930 of 2019

R.K.Duraisingh,
S/o.Mr.D.K.Radhasingh,
President,
Virudhunagar District Volleyball
Association,
No.151-B, Ashok Talkies Road,
Rajapalayam,
Virudhunagar - 626 117. ...Applicant in both Applications

Vs.

1.Tamil Nadu State Volleyball Association,
Affiliated to Volleyball Federation of India,
Represented by its
Secretary,
Room No.46/101, Gengu Street,
Chennai - 600 008.

2.The Volleyball Federation of India,
Rep. by its
Secretary General,
Mr.Ram Avathar Singh Jakshar,
Room No.72, Jawaharlal Nehru Stadium,
Chennai - 600 003.

<https://hcservices.ecourts.gov.in/hcservices/Committee>,
Tamil Nadu Volleyball Association,
Affiliated to Volleyball Federation of India,

Represented by its
Member Secretary,
Mr.Prabhakaran,
(Assistant P.R.O. Cell, TANGEDCO.,),
No.9, A.V.V. Giri Street,
Sathya Garden,
Salaigramam,
Chennai - 600 093. ..Respondents in both Applications

O.A.No.105 of 2019:

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the 3rd Respondent Adhoc Committee allegedly appointed in the AGM dated 03.12.2018, from in any manner managing or interfering with the management of the Tamil Nadu State Volleyball Association, pending disposal of the Arbitration Proceedings.

A.No.930 of 2019:

Original Application praying that this Hon'ble Court be pleased to appoint a former Judge of this Hon'ble Court as interim Administrator for administering the day-to-day affairs of the 1st Respondent Association and conducting Tournaments in order to protect the interest of sport of Volleyball in the State of Tamil Nadu, pending disposal of the Arbitration Proceedings.

A.Nos.2217 and 2218 of 2019:

The Volleyball Federation of India,
Rep. by its
Secretary General,
Mr.Ram Avathar Singh Jakshar,
Room No.72, Jawaharlal Nehru Stadium,
Chennai - 600 003.

..Applicant in both Applications

Vs.

1.R.K.Duraisingh,
S/o Mr.D.K.Radhasingh,
President,
Virudhunagar District Volleyball

Association,
No.151-B, Ashok Talkies Road,
Rajapalayam,
Virudhunagar - 626 117.

2.Tamil Nadu State Volleyball Association,
Affiliated to Volleyball Federation of India,
Represented by its
Secretary,
Room No.46/101, Gengu Street,
Chennai - 600 008.

3.Adhoc Committee,
Tamil Nadu Volleyball Association,
Affiliated to Volleyball Federation of India,
Represented by its
Member Secretary,
Mr.Prabhakaran,
(Assistant P.R.O. Cell, TANGEDCO.),
No.9, A.V.V. Giri Street,
Sathya Garden,
Salaigramam,
Chennai - 600 093. ...Respondents in both Applications

A.No.2217 of 2019:

Original Application praying that this Hon'ble Court be pleased to suspend the Interim Order dated 01.02.2019 passed by this Hon'ble Court in O.A.No.105 of 2019.

A.No.2218 of 2019:

Application praying that this Hon'ble Court be pleased to suspend the Interim Order dated 01.02.2019 passed by this Hon'ble Court in Application No.930 of 2019.

These Applications coming on this day before this court for hearing, the court made the following order:-

The prayer made in O.A.No.105 of 2019 reads thus :

"Why this Hon'ble Court should not be
pleased to grant an order of interim
injunction restraining the third

respondent Adhoc Committee allegedly appointed in the AGM, dated 3.12.2018 from in any manner managing or interfering with the management of the Tamil Nadu State Volleyball Association, pending disposal of the arbitration proceedings?"

2. Subsequently, A.No.930 of 2019 was filed by the very same Original Applicant with the following prayer :

"Why this Hon'ble Court should not be pleased to appoint a former Judge of this Hon'ble Court as interim administrator for administering the day-to-day affairs of the first respondent association and conducting tournaments in order to protect the interest of sport of Volleyball in the State of Tamil Nadu pending disposal of the arbitration proceedings ?"

3. In the Original Application No.105 of 2019 as well as in A.No.930 of 2019, this Court by order, dated 01.02.2019 passed an interim order directing the respondents therein not to precipitate the matter.

4. Subsequently, when O.A.No.105 of 2019 and A.No.930 of 2019 came up for hearing before this Court, after hearing the learned respective counsel appearing for the parties, this Court on 20.02.2019 passed the following order :

not to precipitate the matter, the Adhoc Committee or other respondents shall not in any way take any decision to conduct any fresh tournament or match or any meeting until further orders. But this order shall not in any way affect the ongoing tournament, which commenced on 16.02.2019 and it will go up to 22.02.2019.

8. Post the matter on 26.02.2019. On that day, whether counter is filed or not by the respondents, the matter will be taken up for hearing and based on the available records suitable orders would be passed in this application. It is made clear that the restriction made herein restraining the respondents from conducting any tournament, meeting and other affairs of the association until further orders would mean that, the tournament/matches pertaining to the game of Volley Ball, where the role of the Tamil Nadu Volley Ball Association including the Adhoc Committee as well as the office bearers, members of the Tamil Nadu Volley Ball Association in their official capacity is involved and in that case, the restriction would apply to all the respondents.

9. It is further made clear that, without the role of the Tamil Nadu Volley Ball Association, including the office bearers, Adhoc Committee and Members of the Association if any other forum,

independently willing to conduct any tournament, this order of injunction will not bind them."

5. Subsequently, A.Nos.2217 and 2218 of 2019 were filed with the prayer to vacate the order passed by this Court, dated 01.02.2019.

6. O.A.No.105 of 2019 along with A.No.930 of 2019 and the vacate order applications, i.e., A.Nos.2217 and 2218 of 2019, all came to be heard on 04.04.2019 on the urgency raised by the parties to make interim arrangement with regard to the selection of players for U-14 on behalf of Tamil Nadu to participate in the mini Volleyball Tournament for U-14 and interim order was passed on 04.04.2019 to the following effect :

"8 (i) That the following four members, i.e., Mr.A.Kannan, Mr.K.T.Lakshmi Narayanan, Mr.Raja and Mr.Chandrasekhar, shall constitute a Temporary Selection Committee for selecting the players U-14 for the Tournament called "27th National Volleyball Championship, for boys and girls", to be held between 21.04.2019 and 26.04.2019 or any other subsequent date or dates.

(ii) The Temporary Selection committee shall ensure that, all the eligible players from all the Districts of Tamil Nadu as

forwarded/recommended/registered through the respective District Bodies are permitted to take part in the selection process [trial run]. Accordingly, the final selection of the players for the team for both boys and girls to be made by the Selection Committee and such final selection list shall be finalised by the Selection Committee consisting of aforesaid four members. Final selection list shall be displayed in the Notice Board of the Association/Federation."

7. Only in the said circumstances, these applications along with some other connected applications pertaining to Karnataka Volleyball Association came up for hearing today, i.e., on 27.04.2019.

8. During the hearing, the learned counsel appearing for the applicant as well as the respondents in the main Original Application made a joint request that, in so far as all these applications are concerned, in order to give a quietus to the issue raised in these applications, this Court can appoint a former Judge of this Court as an Election Officer to conduct election for electing the office bearers for the period or term between 2018 and 2022, now has been shifted to 2019 to 2023, i.e., for a four years period, to administer the Tamil Nadu Volleyball Association, i.e., first respondent Association herein.

9. The learned counsel also made a submission that, a time frame can also be given, within which, the Election Officer to be appointed by this Court, can complete the election process and ensure that the newly elected office bearers would assume office to administer the association for the next four years up to 2023.

10. The learned counsel for the parties also made a plea before this Court that, as an urgent interim measure, a suitable direction can be given constituting an interim committee of selection for selecting players on behalf of Tamil Nadu to participate in the 21st Youth National Volleyball Championship scheduled to be commenced at National level from 02.06.2019 and in this regard, they suggested two names from the side of the applicant and two names from the side of the Adhoc Committee, consisting of four members and such an interim selection committee can also be constituted as an interim measure, pending completion of the election process to be undertaken in this regard as indicated above.

11. I have considered the said submissions made by the learned counsel appearing for the parties.

12. In fact, this Court, by order, dated 20.02.2019

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had taken note of the fact that, the erstwhile

administering committee of the Tamil Nadu Volleyball Association's term ended by 2018 and thereafter till election was conducted, a Sub-committee was appointed on 06.10.2018 consisting of some members. However it was alleged that, without entrusting the job to the said Sub-committee to administer the association, as an interim measure till the election was over, yet another Annual General Meeting was conducted on 03.12.2018, where the third respondent Adhoc Committee was appointed and questioning the appointment of the Adhoc Committee, the applicant approached this Court with the main application.

13. Only in that context, on 01.02.2019, a learned Judge of this Court directed the respondents not to precipitate the matter. Thereafter, taking note of the fact, on 20.02.2019, I have passed an order which has already been extracted herein above.

14. Subsequently, some interim arrangement have been made for selecting players for Mini Volleyball Tournament for U-14, by order, dated 04.04.2019 and the relevant portion of the said order also has been extracted herein above.

15. Only at this juncture, now the aforesaid plea has been made by all the learned respective counsel appearing

for the parties, seeking indulgence of this Court to appoint an Election Officer to conduct elections within a time frame to be fixed by this Court and with such appointment of Election Officer with suitable directions, all these applications can be disposed of, of course by making an interim arrangement to select the players on behalf of Tamil Nadu for the 21st Youth National Volleyball Championship scheduled to be commenced from 02.06.2019.

16. Considering the aforesaid plea made by the learned counsel for the parties and having taken note of the factual matrix of the case and in order to give a quietus to the issue raised by the parties herein, this Court is inclined to pass the following order :

"(i) That Hon'ble Mr. Justice D.HARIPARANTHAMAN, former Judge of this Court is appointed as Election Officer to conduct election to elect the Administering Body for the Tamil Nadu Volleyball Association for the next term of four years from 2019-2023.

(ii) The Election Officer shall take all possible efforts to finalise the list of electoral roll as per the by-laws of the Association and approve the same and such approved list shall be published by the Election Officer, within a period of one month from the date, he entered upon

<https://hcservices.ecourts.gov.in/hcservices/> the Office of the Election Officer.

(iii) Thereafter the Election Officer

shall draw a schedule for conducting Election and within the schedule to be drawn by the Election Officer, the election shall be completed and the newly elected office bearers shall be in a position to assume office for the next term of four years to administer the Association.

(iv) The Election Officer shall be at liberty to appoint one or two Assistant Election Officer to assist him in completing the task entrusted to him.

(v) The Election Officer shall have every right to have access with all records pertaining to the Association and the third respondent / Adhoc Committee shall render all assistance to the Election Officer as required by him.

(vi) To render all such assistance to the Election Officer from the Adhoc Committee / Association, a panel called Assisting Panel consisting of the following three members is also constituted, whose role is only to render all help on behalf of the Adhoc Committee / Association to the Election Officer as per his requirement and demand :

1. Mr.Arusamy, Chairman,
Coimbatore District Volleyball
Association

2. Mr.R.K.Duraisingh,
President - Virudhunagar District

Volleyball Association

3. Mr.G.E.Sridharan (Arjuna Awardee), Representative of Volleyball Federation of India.

(vii) A sum of Rs.3,00,000/- (Rupees Three Lakhs only) is fixed as remuneration for the Election Officer and if he nominate or engage any other person as Assistant Election Officer, who shall be entitled to claim a sum of Rs.1,00,000/- (Rupees One lakh only) each as his remuneration.

(viii) At any rate, the Election process shall be completed within three months from the date of the Election Officer assume charge on receipt of the communication / warrant issued by this Court, pursuant to this order.

(ix) All miscellaneous expenses incurred or incidental thereto, to complete the election process, shall be borne by the Association then and there and in this regard, whatever claim to be made or whatever requirement comes from the Election Officer, shall immediately be met out by the Adhoc Committee through the Assisting Panel."

17. In so far as making of interim arrangement by way of appointment of selection committee to select the eligible players to participate in the Tamil Nadu 21st Youth National Volleyball Championship, scheduled to be conducted from 02.06.2019 is concerned, the following

orders are passed.

18. The learned counsel appearing for the parties submitted that, 21st Youth National Volley Ball Championship has to be conducted at National Level from 02.06.2019. In order to participate, on behalf of Tamil Nadu, in that Tournament, players have to be selected. Since there has been number of issues between the parties in these applications, they suggest that, elections can go on with the supervision of the independent Election Officer to be nominated by this Court for electing the Office Bearers for the Tamil Nadu Volley Ball Association. During the interregnum, i.e., till the election process is concluded, an independent interim committee can be nominated by this Court, consisting of four experts, two to be from the side of the Adhoc Committee and two to be from the side of the applicant.

19. In earlier occasion, by order of this Court dated 04.04.2019, when similar situation arose to select the players for participating in U-14 players of Tamil Nadu Volley Ball Tournament, a workable arrangement was made by this Court by order dated 04.04.2019 and relevant portion of that order has already been extracted herein above.

20. Accordingly for the present selection for the 21st Youth National Volley Ball Championship also they want a committee to be nominated by this Court and in this regard on behalf of the applicant, the following two experts have

been suggested namely (i) Mr.A.K.Chitrapandian, Former International Volley Ball Player and Secretary Tamil Nadu State Volley Ball Association, (ii) Mr.A.Planiappan, Former National Volley Ball Player and Member of Coaches Committee of Tamil Nadu Volley Ball Association. On behalf of the Adhoc committee, the following two names have been suggested namely (i) Mr.Govindaraj, Secretary Trichy District, Volley Ball Association, (ii) Mr.Wilson, Secretary, Pudukottai District Volley Ball Association.

21. Considering the urgency involved as the Tournament has already been scheduled to be commenced from 02.06.2019 for which players have to be selected and sent for participating in that Tournament on behalf of the State of Tamil Nadu, necessary selection exercise has to be immediately undertaken. Therefore in order to meet this contingency, this Court considering all aspects, is inclined to pass the following order:

" (i) That the committee for selection of players from Tamil Nadu for the 21st Youth National Volley Ball Championship will be consisting of the following four members :

(a) Mr.A.K.Chitrapandian, Former International Volley Ball Player and Secretary Tamil Nadu State Volley Ball Association,

(b) Mr.A.Planiappan, Former National Volley Ball Player and Member of Coaches

Committee of Tamil Nadu Volley Ball Association.

(c) Mr.Govindaraj, Secretary Trichy District, Volley Ball Association,

(d) Mr.Wilson, Secretary, Pudukottai, District Volley Ball Association.

(ii) The said committee will take incharge of the selection process by calling the eligible players throughout the State, through various Districts forums and clubs concerning with the game of Volley Ball and after inviting the eligible players, the selection process can go on under the supervision of these committee members who can also take the assistance of experts and after completing the selection process, the name of the players who have been selected has to be approved by all the four members of the committee and the list of approved selected players shall be displayed at the notice board in the Tamil Nadu Volley Ball Association."

With these directions, O.A.No.105 of 2019, A.No.930 of 2019 and A.Nos.2217 and 2218 of 2019 are disposed of.

Sd/-R.S.K.J

27/04/2019

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Dated at Madras this the day of 2019.
JJ 11/06/2019

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this