

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 03rd DAY OF APRIL 2019

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

A. Nos.7609, 7611 & 7613 of 2018

A. Nos.7609, 7611 & 7613 of 2018:-

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of dispute
between Coimbatore District
Football Association and
Tamilnadu Football Association
under Article 66 of the
Constitution of The Tamilnadu
Football Association

1. Mr.K.Raja,
Secretary (2014-2018),
Coimbatore District Football Association,
Residing at V.53, Kovai Pudur,
Coimbatore-641 042.
2. Mr.O.Shanmugasundaram,
Vice President (2014-2018),
Coimbatore District Football Association,
residing at No.1/343, Adiyapatham Street,
NGGO Colony, Coimbatore-641 022.
3. Mr.T.Krishnamurthy,
Hon. Assistant Secretary (2014-2018),
Coimbatore District Football Association,
residing at No.145, N.H.Road,
Coimbatore-641 001.

... Applicants

-Versus-

1. Tamilnadu Football Association,
rep. by its President,
No.73, Jawaharlal Nehru Stadium,
Periamet, Chennai-600 002.

2. Mr.Jesiah Vilavarayor,
Former President,
Tamilnadu Football Association,
No.73, Jawaharlal Nehru Stadium,
Periamet, Chennai-600 002.

3. Adhoc Committee,
Coimbatore District Football Association,
rep. by its Convener J.I.Jesudason,
Gate No.12, 1st Floor, Nehru Stadium,
Coimbatore-641 018.

... Respondents

A. No.7609 of 2018:-

Application praying that this Hon'ble Court be pleased to grant interim stay of the operation of the order dated 06.07.2018, passed by the 1st respondent superseding the elected body Coimbatore District Football Association (CDFA) and the consequential appointment of the Ad Hoc Committee.

A. No.7611 of 2018:-

Application praying that this Hon'ble Court be pleased to grant to stay the order dated 02.08.2018 passed by the 3rd respondent, suspending the 2nd applicant herein from all Football activities of CDFA.

A. No.7613 of 2018:-

Application praying that this Hon'ble Court be pleased to grant to stay the order dated 02.08.2018 passed by the 3rd respondent, suspending the 3rd applicant herein from all Football activities of CDFA.

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

The prayer sought for in these applications are as follows,

"A.No.7609 of 2018

To pass an order of interim stay of the operation of the order dated 06.07.2018, passed by the first respondent superseding the elected body Coimbatore District Football Association (CDFA) and consequential appointment of the Ad Hoc Committee.

A.No.7611 of 2018

To stay the order dated 02.08.2018 passed by the third respondent suspending the 2nd applicants herein from all football activities of CDFA.

A.No.7613 of 2018

To stay the order dated 02.08.2018 passed by the third respondent, suspending the 3rd applicants herein from all football activities of CDFA."

2. Heard Mr.Adeesh Anto, for M/s.S.Sakthivel, learned counsel appearing for the applicant, as well as Mr.K.V.Babu, learned counsel appearing for the respondents 1 and 2 and Mr.D.Shivakumaran, learned counsel appearing for the third respondent, in all the above applications.

3. It is an admitted fact that, as of now, the third respondent, adhoc committee, is in the helm of affairs of the Coimbatore District Football Association (hereinafter referred to as "CDFA"), where the applicants were the

erstwhile office bearers, which has been superseded and in the said place, the third respondent adhoc committee was appointed by the first respondent, and challenging those issues only, these applications have been filed.

3. Though the aforesaid prayers, as set out above, has been sought for, after some arguments, the learned counsel for the parties, in respect of one aspect, has made a unified request before this Court, stating that instead of going into the merits of the claim and counter claim of the applicants as well as the respondents in these applications, if this Court is convinced, a direction can be given by appointing an independent Election Officer, to conduct the election to have the elected body of office bearers of the CDFA at the earliest possible time, and once the elected body comes to the helm of affairs, that would solve the entire issue and that elected body will take care of everybody's grievance.

4. The Learned counsel appearing for the applicants as well as the respondents though submitted that, on merits the respective parties have got presentable case before this Court, after having perused the materials placed before this Court and after hearing the arguments by the learned counsel for either side, this Court is of the view that, in order to give a quietus to the issues, if an elected body, to be elected democratically in an election

process, is placed in the helm of affairs of the CDFA, that will give a permanent solution to resolve all these issues raised in these applications.

5. In that view of the matter, this Court is inclined to pass the following order.

(a) That Mr.M.Thangaraju, District Judge (Retd), residing at 12/3, Prakasam Sri Towers, Eswaran Chettiyar Layout, Puliyanikulam, Coimbatore - 641 045 (Mobile No. 94432 02144) is appointed as the Election Officer to conduct election to elect the office bearers of CDFA for the term of four years period from the date of their assuming charge after due election.

(b) The Election Officer shall conduct the election to elect the office bearers strictly in terms of the Articles of Association, especially under Article 21 and 22.

(c) The Election Officer shall strictly follow the procedure to be adopted for conducting fair and smooth election as per the Articles of Association.

(d) In this regard, the Election Officer shall first prepare the eligible voter list and publish the same in the notice board of the office premises of the CDFA.

(e) The Election Officer, while preparing the eligible voter list, shall take into account, the eligible members on the roll as on 06.07.2018.

- (f) The Election Officer shall also take into account that, if any member or erstwhile office bearer, against whom any disciplinary action is initiated by the adhoc committee, notwithstanding the said proceedings / disciplinary action against any member or erstwhile office bearer, they shall also be entitled to participate in the election process either as an eligible voter to exercise his / her franchise, or to participate in the election process by contesting in the election.
- (g) After the publication of the eligible voter list, 21 (twenty one) clear days shall be given by the Election Officer to conduct the poll.
- (h) The Election Officer, in his discretion, can nominate one Assistant Election Officer, to assist him for the conducting of the election in fair and smooth manner.
- (i) The Election Officer as far as possible, shall stay at Coimbatore to oversee the election arrangements and in between if any complaints are received from any quarter ie., from any individual member or voter, the same can also be decided by the Election Officer strictly in accordance with the Articles of Association.
- (j) It is made clear that, at any rate, the election process shall be completed by the Election Officer within a period of 45 days from the date of receipt of a copy of this order, within which, the officially elected office bearers list shall be published by the Election Officer and once the

elected office bearers list is published, from the very next day of such publication, the elected body shall be in the office to administer the association for the next four years.

(k) Once the elected office bearers list is published, on that day by 5.00 PM, the adhoc committee ie., the third respondent in these applications, shall hand over the entire administration with records, to the newly elected office bearers.

(l) It is also made clear that, if any disciplinary proceedings initiated against any of the member or erst while office bearers by the adhoc committee, on specific allegations, the proceedings so initiated is suspended till the election process is completed. However, the newly elected body shall proceed with those disciplinary proceedings initiated and suspended till the completion of the election, after they take charge of the association, in accordance with the Articles of Association.

(m) The election expenses including the remuneration of Assistant Election Officer, if any appointed by the Election Officer be fixed by the Election Officer to be incurred shall be completely born by the association and in this regard the Election Officer shall be entitled to claim whatever expenses, from the association, which shall be immediately sanctioned and funds be released by the third respondent adhoc committee to the Election Officer forthwith.

(n) The Election Officer's remuneration is fixed at Rs.3,00,000/- (Rupees Three lakhs only) and the

same shall be shared by both the association as well as the applicants at the rate of **75 : 25** ratio.

(o)With these directions, all the above applications are disposed of.

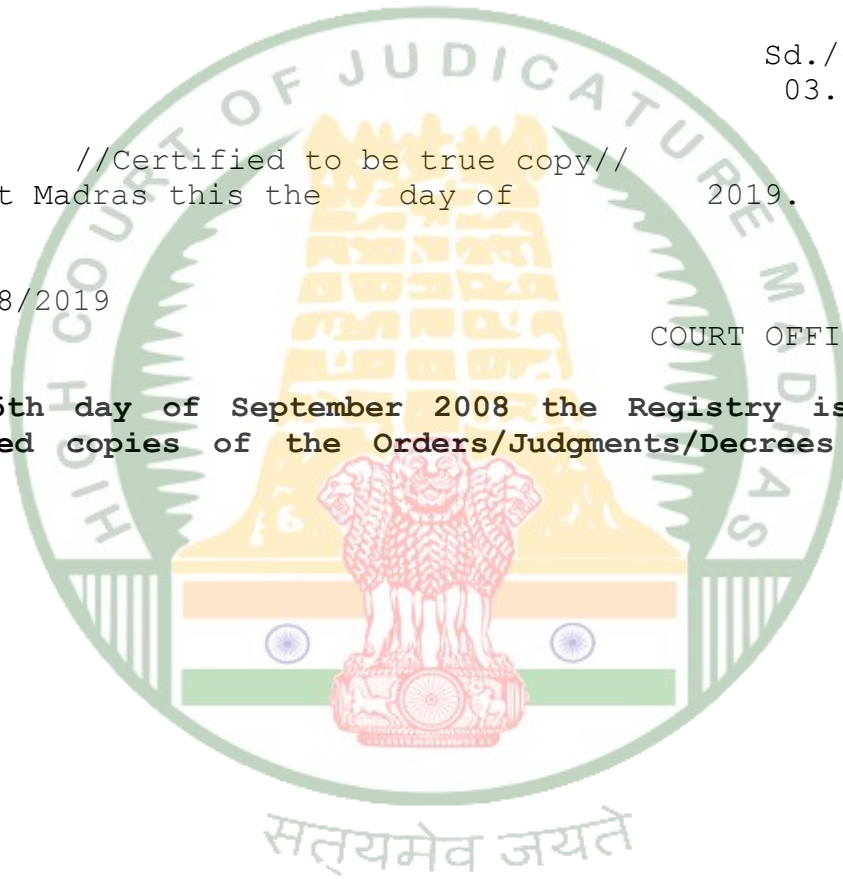
Sd./-R.S.K.J
03.04.2019

//Certified to be true copy//
Dated at Madras this the day of 2019.

JJ 19/08/2019

COURT OFFICER(O.S.)

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