

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM

The Hon'ble Mr.Justice M.M.SUNDRESH  
and  
The Hon'ble Mr.Justice KRISHNAN RAMASAMY

O.S.A.No.59 of 2020  
and C.M.P.No.2035 of 2020

Shri.Bharat Singh Chauhan  
Member of the Three-member committee  
All India Chess Federation  
Having its registered office at  
Room no., Jawaharlal Nehru Stadium  
Periyamet, Chennai - 600 003. ...Appellant

Vs

1.Tamil Nadu State Chess Association  
Hall No.75, Jawaharlal Nehru Stadium,  
Periyampet, Chennai - 600 003  
Represented by its Hon'ble Secretary  
Mr.P.Stephen Balasamy.

2.All India Chess Federation  
(Regd. Society, Regn No.125/1958)  
Rep. By its President  
Head of the Three-member Committee,  
All India Chess Federation,  
Having its registered office at  
Room No.70, Jawaharlal Nehru Stadium,  
Periyamet, Chennai - 600 003.

3.P.S.Venketrama Raja  
S/o.Lt.P.R.Ramasubramenys Raja  
Aged about 60 years  
Head of the Three-member Committee  
All India Chess Federation  
(Regd. Society, Regn No.125/1958)  
Having its registered office at  
Room No.70, Jawaharlal Nehru stadium,  
Periyamet, Chennai - 600 003. ...Respondents

Prayer: Appeal preferred under Order XXXVI Rule 1 of O.S. Rules  
r/w Clause 15 of Letters Patent against the order dated

28.01.2020 made in O.A.No.44 of 2020 in C.S.No.25 of 2020 on the file of this Court.

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel  
For Respondents : Mr.P.S.Raman, Senior Counsel  
for Mr.P.V.Sabaridas appearing for  
3<sup>rd</sup> respondent

#### JUDGMENT

(Judgment of the Court was delivered by KRISHNAN RAMASAMY, J.)

The present appeal has been filed against the order dated 28.01.2020 made in O.A.No.44 of 2020 in C.S.No.25 of 2020 on the file of this Court.

2. When this matter is taken up for hearing Mr. A.R.L.Sundaresan, learned Senior Counsel appearing for the appellant submitted that as the matter is posted today to take appropriate instruction from his client and report with regard to the date and venue of the General Body Meeting his client is agreeable to have the meeting with any place other than Chennai preferably either at Cochin, Bangalore, Indore or Allahabad . Further, he would contend that his client is agreeable to have the meeting on the date as may be decided by the Returning Officer, Hon'ble Mr.Justice F.M.Ibrahim Kalifulla, a retired Judge of Hon'ble Supreme Court of India.

2. At this juncture, Mr.P.S.Raman, learned Senior Counsel appearing for the respondents submits that the General Body Meetings for election have been conducted only at Chennai for the past few years. His client initially felt that the venue at Chennai would be an appropriate place for conducting election on 10.02.2020 and his client has no objection to have the General Body Meeting on 10.02.2020 at Hyderabad. Further he would contend that, in the event of conducting the meeting by the Returning Officer the National Sports Development Code of 2011 shall be strictly followed. The election shall have to be conducted on 10.02.2020 and in the event if the Returning Officer found it not convenient to have the meeting on 10.01.2020 only then he may be given liberty to have the meeting on some other date.

3. Further both the Senior Counsel would contend that both the Secretary as well as the President received the nominations from various associations to represent the General Body Meeting. Even in some cases, both the Secretary as well as President received nomination to represent the meeting on 09.02.2020 as well as on 10.02.2020. In such an event, both the Senior Counsel fairly submit that if there is any dispute with regard

to the nomination of any of the association to represent before the meeting, the same shall be decided by the Hon'ble Returning Officer and time may be extended for filing nomination. The Secretary, Vice President, Joint Secretary and Treasures for the election may be held as scheduled on 10.02.2020 or otherwise as decided by the Returning Officer. In view of the agreement by both the parties we pass the following order:

(1) The Special meeting of the General Body of AICF to elect the office bearers shall be held on 10.02.2020 at Hyderabad consequent to the issuance of notice dated 18.12.2019. In case, if the Returning Officer is of the view that it is not convenient to have the meeting on 10.02.2020, a new date, time, venue may be decided by him independently. In such case, the Returning Officer shall send fresh notices to all the members of the General Body indicating the date, time and venue.

(2) By virtue of this order no meeting shall be held on 09.02.2020. The meeting shall either be held on 10.02.2020 or on some other date as may be fixed by the Returning Officer as stated in point (1) above.

(3) The Returning Officer is to permit the members of the association to file nominations for the post of President, Secretary, Joint Secretary and Treasures before him upto 6 p.m on 06.02.2020.

(4) If there is any dispute with regard to the nomination to represent the various association in the General Body, the same shall be determined by the Returning Officer.

(5) It is made clear that the nominations made by the various associations for attending the meeting on 09.02.2020 may be considered by the Returning Officer for attending the meeting on 10.02.2020 or any other General Body Meeting as re-scheduled by the Returning Officer. Any other dispute with regard to the election shall be determined by the Returning Officer on his own.

(6) The election shall be convened and held in terms of by laws the governing duly complying the National Sports Developments Code of 2011.

(7) The Returning Officer may appoint assistant returning officers as deem fit for the conduct of election and all parties are directed to extent full co-operation in this regard.

(8) The Returning Officer is at liberty to exercise all incidental functions as he deems fit for the successful conduct of the elections. The Returning Officer shall be paid a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) apart from other expenses by the Federation.

4. Accordingly, O.S.A.No.59 of 2020 is ordered.

Sd/-

Assistant Registrar (C.S.III)

/True Copy/

Sub Assistant Registrar

To

The Sub Assistant Registrar,  
Original Side,  
High Court of Madras, Chennai -104.

Copy to : The Hon'ble Mr. Justice F.M. IBRAHIM KALIFULLA,  
Supreme Court (Retd.),  
Returning Officer,  
Plot No.158-B, Door No.22, Sivananda Salai,  
Gill Nagar Extension,  
Choolaimedu, Chennai -34.

+1 cc to M/s.P.V.Sabaridas, Advocate Sr.No. 8265

+1 cc to M/s.J.Ravikumar, Advocate Sr.No. 8294

+1 cc to M/s.P.J.Rishikesh, Advocate Sr.No.8492

AKM/04.02.2020/4P- 6C /

O.S.A.No.59 of 2020  
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