



O.A.Nos.798 & 799 of 2021 and O.A.No.225 of 2022 in C.S No.357 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 14.10.2022

Pronounced on : 04.11.2022

CORAM

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

O.A.Nos.798 & 799 of 2021

and

O.A.No.225 of 2022

in

C.S.No.357 of 2021

- 1.P.Prabu
- 2.M.K.Madhanlal
- 3.T.Kumar
- 4.A.Kalimuthurajan
- 5.N.Karunakaran
- 6.A.V.Rammohan
- 7.M.Sivakumar
- 8.S.Devaraj

...Applicants/Plaintiffs
(in all OAs)

Vs.

- 1.Tamil Nadu Gymnastics Association, (TNGA)
Rep. by its General Secretary,
No. 1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai - 600 041.
- 2.Gymnastics Federation of India,
Rep. by its General Secretary,
Chingamakha Yanglem Leikai, P.O.,



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Singjamei – 795 008,
Imphal, Manipur.

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3.Tamil Nadu State Olympic Association,
Rep. by its General Secretary,
Room No.78, Jawaharlal Nehru Stadium,
Chennai - 600 003.

4.P.M.Roagabarani, President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

5.V.Premkumar, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

6.S.K.Ramanathan, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

7.J.Sankar, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

8.P.Satheeshkumar, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

9.P.Selvaraj, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.



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- 10.R.Sivaji, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 11.Vikram Naidu, Vice President,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 12.G.Bala, General Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 13.Dr.Arul Prakash, Joint Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 14.G.Gobu, Joint Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 15.M.Pushpa, Joint Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 16.Sharon Soares, Treasurer,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.
- 17.J.P.Muniappan, Assistant Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.



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18.A.Rajeshkumar, Assistant Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

19.T.Raju, Assistant Secretary,
Tamil Nadu Gymnastics Association,
No.1 – C, Kaveri Nagar, Beach 5th Street,
Kottivakkam, Chennai – 600 041.

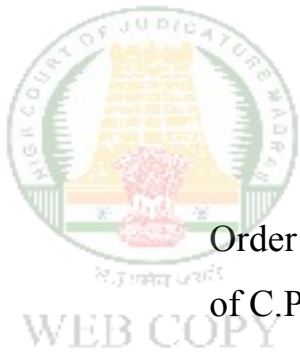
20.L.Chandra Kumar, Election Officer,
No.14, Sunkurama Street, 3rd Floor, Parrys, Chennai – 1.
(included as one of the defendant in the capacity as
Election Officer, appointed as per the judgment passed in
C.S.No.239 of 2020)

... Respondents / Defendants
(in all OAs)

Prayer in O.A.No.798 of 2021:- This Original Application filed under Order XIV Rule 8 of the O.S Rules and under Order XXXIX Rule 1 & 2 of C.P.C., prayed to pass an order of interim injunction restraining the respondents 4 to 19 / Defendants 4 to 19 from functioning their respective offices, as office bearers of TNGA, pending disposal of the above suit;

Prayer in O.A.No.799 of 2021:- This Original Application filed under Order XIV Rule 8 of the O.S Rules and under Order XL 1 of C.P.C., prayed to appoint a Receiver for administering the TNGA, pending disposal of the above suit.

Prayer in O.A.No.225 of 2022:- This Original Application filed under



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Order XIV Rule 8 of the O.S Rules and under Order XXXIX Rule 1 & 2 of C.P.C., prayed,

(a) to pass an order of interim injunction restraining the respondents 1, 4 to 19 / defendants 1, 4 to 19 herein from conducting any AGM on 01.05.2022 at Chennai or at any place or at any future date pending disposal of the above suit;

(b) to pass an order of interim injunction restraining the respondents 1, 4 to 19 / defendants 1, 4 to 19 herein from conducting any Sub – Junior, Junior and Senior Gymnastics State Championship SDAT Aquatic Complex, Velachery, Chennai on 30.04.2022, 01.05.2022 at Chennai or at any place or at any future date pending disposal of the above suit.

For Applicant	: Mr.ARL.Sundaresan, Senior Counsel for Mr.T.Ramesh Kutty & Mr.N.Sivaprakash
For R1, R4, R12, R15, D16 and D19	: Mr.Vijay Narayan, Senior Counsel For Mr.K.Moorthy
For R3	: Ms.J.Madhumitha
For R2, R5, R6 to R11, R13 and R18	: No appearance



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COMMON ORDER

The issues involve relate to interse quarrel among purported members and members sorrowfully not elected and those who had been elected to various posts of the Tamil Nadu Gymnastics Association. It is only typical that the plaintiffs and the defendants are at logger heads and have taken turns trying to tumble down the other, since that is the wont of the sports they claim to serve.

2. There were elections to the posts of President, Vice Presidents, General Secretary, Joint Secretaries, Assistant Secretaries and Treasurer to the Tamil Nadu Gymnastics Association in the year 2016. The 1st plaintiff P.Prabu claimed to have been elected as a President. His key deputies were the 16th defendant, Sharon Suares who was said to have been elected as the General Secretary and the 12th defendant, G.Bala who had been elected as the Treasurer. Of course, several others had been elected as Vice Presidents, Joint Secretaries and Assistant Secretaries. The bonhomie among the President / General Secretary / Treasurer was short lived. The General Secretary and the Treasurer parted ways and in an another meeting declared the President as removed and had appointed



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an IPS officer as the President.

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3.This sudden turn of events naturally added fuel to the fire and the 1st plaintiff herein, P.Prabu had to move heaven to earth to ensure that he was recognized as the president and simultaneously, to de-recognize the General Secretary and the Treasurer. The events moved from the Gymnastics Court to the Courts of law and suits were filed and writ petitions were filed. The whole issue was in imbroglio.

4.Finally, probably frustrated with the events which had unfolded, the Virudhunagar District Gymnastics Association, the Thanjavur District Gymnastics Association and Karur District Gymnastics Association filed C.S.No.239 of 2020 in this Court seeking an order of permanent injunction restraining the 1st plaintiff and another individual T.Kumar from conducting any annual general meeting or elections for the Tamil Nadu Gymnastics Association and to appoint a retired Judge as election officer to finalize the list of members of the Tamil Nadu Gymnastics Association, with the assistance of the Registrar of Societies and conduct elections for the Tamil Nadu Gymnastics Association for the year 2020 – 2024.



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5.By judgment dated 04.11.2020, after hearing all the parties to the suit, a learned Single Judge of this Court (*N. Sathish Kumar, J.*) had appointed Mr.L.Chandra Kumar, Advocate, as the Election Officer to conduct the elections to the various posts of Tamil Nadu Gymnastics Association. The 4th and 5th defendants therein namely, the Gymnastics Federation of India and Tamil Nadu State Olympic Association were permitted to sent their observers during the election and permitted to also monitor the election.

6.Mr.L.Chandra Kumar, Advocate, who has now found himself as the 20th defendant in this suit / C.S.No.357 of 2021, after following a procedure, which he has justified in his report, conducted the elections and declared the results. In the results, the 4th defendant herein had been elected as the President, the 5th to 11th defendants had been elected as the Vice Presidents. the 12th defendant had been elected as the General Secretary, the 13th to 15th defendants had been elected as the Joint Secretaries, the 16th defendant had been elected as the Treasurer and the 17th to 19th defendants had been elected as the Assistant Secretaries.

7.Questioning the manner in which the elections were conducted



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and questioning the bonafide of the election process, this Suit / C.S.No.357 of 2021 had been filed by P.Prabu who was their President in the year 2016 and by seven others.

8.The relief sought in the suit was to declare the election conducted on 02.11.2021 as null and void, as being contrary to the bye laws of the Tamil Nadu Gymnastics Association and to declare that the office bearers elected during the year 2017 as the duly recognized office bearers and to direct the 20th defendant to conduct fresh election in terms of the bye laws and for permanent injunction restraining the elected office bearers from so functioning in their office.

9.Along with the suit, the plaintiff had filed O.A.No.798 of 2021 seeking interim injunction restraining the 4th to 19th defendants from functioning as office bearers of Tamil Nadu Gymnastics Association and also filed O.A.No.799 of 2021 seeking appointment of a receiver to administer the Tamil Nadu Gymnastics Association pending disposal of the suit.

10.The learned Single Judge who heard the matter did not thought



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it fit to grant interim injunction as sought in O.A.No.798 of 2021. In the meanwhile, many of the defendants had filed their written statements and a memo had been filed treating such written statements as counter to the Original Applications.

11. When matters stood thus, the 1st to 9th defendants, exercising their rights as elected office bearers, called for prospective participants for a sports championship to be conducted namely, Sub - Junior, Junior, Senior Gymnastic, State Championships and also called for an Annual General Meeting to be held on 01.05.2022.

12. This necessitated the plaintiffs to file O.A.No.225 of 2022 seeking an interim injunction from conducting the Annual General Meeting on 30.04.2022, 01.05.2022 at Chennai or in any other place and also O.A.No.226 of 2022 seeking injunction from conducting the State Championships without including the Athletes sponsored by the plaintiffs. Both the Original Applications had come up for consideration before a learned Single Judge of this Court (*P. Velmurugan, J.*) on 29.04.2022 and the relevant portions of the order are extracted below:

“5. In view of the above submission made by the



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respondents 1, 4 to 19 / defendants 1, 4 to 19, they are permitted to proceed further in conducting the said sports event i.e., Sub-Junior, Junior and Senior Gymnastics State Championship to be held at SDAT Aquatic Complex, Velacherry, Chennai on 30.04.2022 and 01.05.2022 without ignoring any of the eligible sports persons.

6.Further, the applicants/plaintiffs are directed to give the list of participants, who are intending to participate in the said sports event, to the respondents 1, 4 to 19 / defendants 1, 4 to 19 and the same shall be considered by the respondents without any influence.

7.Accordingly, there shall be an order of interim injunction against the respondents 1, 4 to 19 / defendants 1, 4 to 19 from conducting any AGM on 01.05.2022 or any further date, till the disposal of the above suit.”

13. Thereafter, on 09.06.2022, the plaintiffs stated that the relief



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sought in O.A.No.226 of 2022, namely, the restraint from conducting the State Championships had become infructuous and accordingly, that Original Petition was dismissed as infructuous. However, O.A.No.225 of 2022 was still retained on the board of this Court.

14.Heard arguments advanced by Mr.AR L. Sundaresan, learned Senior Counsel for the learned counsels, Mr.T.Ramesh Kutty and Mr.N.Sivaprakash for the plaintiffs, Mr.Vijay Narayan, learned Senior Counsel for Mr.K.Moorthy for the 1st, 4th, 12th, 15th, 16th and 19th defendants and Ms.J.Madhumathi, learned counsel for the 3rd defendant.

15.Mr.AR L. Sundaresan, learned Senior Counsel, pointed out the bye laws of the Tamil Nadu Gymnastics Association (TNGA). The bye laws had been amended. The membership of TNGA would include District Associations and units having branches all over the Tamil Nadu. The General Council (General Body) of the Association shall be composed of two members from each affiliated District Associations. It would also consist of Patrons and Founder Members but who will have no right to vote. It will also consist of office bearers of the Association.



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16.The learned Senior Counsel, then pointed out that the District representatives are eligible to vote during election but only one of the two members can so vote and that would ordinarily be by the Secretary. It was also pointed out that any member, who represented the District has a right to be elected in the elections of TNGA.

17.The learned Senior Counsel, further pointed out that the Executive Committee shall consist of one President, seven Vice Presidents, one General Secretary, three Joint Secretaries, one Treasurer and three Assistant Secretaries. This Executive Committee shall have the power to admit as members, any District, on proper application and also reject any application with or without assigning any reason.

18.In effect, the main thrust of arguments of the learned Senior Counsel was that every District Association can forward two members as their representative and out of the two members, one of them can vote to elect the Executive Committee and ordinarily, such member must be the Secretary. It was also pointed out that the members can also stand for the elections.



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19.The learned Senior Counsel further pointed out that the 20th defendant Mr.L.Chandrakumar, Election Officer appointed by the Court by judgment dated 04.11.2020 in C.S.No.239 of 2020, therefore, had an obligation, to first identify the correct and recognized Associations from each district and thereafter, permit such Association to put forward two members and to permit one of such members to vote in the elections.

20.It is the grievance of the learned Senior Counsel that the 20th defendant, however, did not permit the existing Associations from each district, but rather permitted Associations which had sprung up and had got themselves registered and those members who had not been earlier associated with any of the activities relating to Gymnastics in that District to participate and to cast their vote.

21.It was specifically pointed out by the learned Senior Counsel, that in this manner, a majority of the Districts, a list of which had been given in the plaint, had put forth Association which had not earlier recognized by TNGA. This had caused much prejudice. It was stated that though the 1st plaintiff had given objections and also sought personal



hearing, those representations were not answered by the election officer.

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22.It was also pointed out by the learned Senior Counsel that the election officer had not even called for meeting of the District Associations, which had earlier participated in the elections during the year 2016 and of the office bearers who had been elected in the year 2016, while finalizing the electoral college. It was pointed out that several members who were included in the electoral college list in the year 2016 were not even in the list for the elections conducted by the election officer.

23.It was further very specifically stated that the 1st plaintiff had submitted his nomination for election as President and the 2nd and 4th plaintiffs had submitted their nominations for the posts of Treasurer and Secretary. These nominations were rejected by the election officer. It was also stated that 19 out of 31 districts had raised their objections stating that their names had not been included in the electoral college and that they had been removed by the election officer, without even putting them on notice. It had been stated that objections had been sent even for the rejection of nomination by the 1st plaintiff. However, the election officer had declared the results even without polling of the votes. Pointing out all



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these aspects, particularly sufficient notice was not given by the election officer and that he did not include all the office bearers of TNGA and that all the members of District Association which participated during the election in the year 2016 were not given notice and that the District Associations were removed even without giving show cause notices and that the 1st plaintiff was not given permission to explain the objections raised by him, the learned Senior Counsel, was very insistent in urging that the Court should call for fresh elections and not permit the defendants who had been elected from functioning further in the office. The learned Senior Counsel stated that in the interregnum period, it would only be proper that a receiver is appointed to overlook the activities of TNGA in accordance with the bye laws.

24.The learned Senior Counsel also placed reliance on the communication received by the 1st plaintiff dated 02.11.2021 from the Gymnastics Federation of India complaining that eligible District Member Association had not been permitted to participate in the election by placing reliance on representations from individual District Associations. It was again urged that fresh elections should be called for and till that time an order of injunction should follow and the receiver must be



appointed to administer the TNGA.

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25.Mr.Vijay Narayan, learned Senior Counsel appearing on behalf of the contesting defendants who had been elected to the various posts and whose election results had been declared by the 20th defendant / Election Officer, however, very seriously disputed the contentions raised and very specifically disputed the genuineness of the communication dated 02.11.2021. It was pointed out that the signatory to the communication dated 02.11.2021 himself was not so authorized to issue the letter and was not recognized as a member of the 2nd defendant / Gymnastics Federation of India. His election was subject matter of an ongoing litigation in the High Court of Manipur.

26.The learned Senior Counsel, placed reliance on a subsequent communication wherein, the office bearers who had been declared elected by the 20th defendant / election officer had been recognized as office bearers by the Gymnastics Association of India / 2nd defendant. It was therefore contended by the learned Senior Counsel that there being letters and letters which had been issued, recognizing and not recognizing the office bearers, it would only be prudent that this Court relegates the issues to be determined after evidence is adduced by the parties.



27.It was pointed out by the learned Senior Counsel, that written statements had also been filed by the contesting defendants and therefore, the Court should not take upon itself task of deciding the reliefs which will have an impact on the final decision which will rendered in the Court, on the basis of affidavits / counter affidavits and documents, which have not yet been admitted or proved in manner known to law.

28.The learned Senior Counsel, urged that it would be prudent for the Court to err on the side of caution and direct the parties to test their respective oral and documentary evidence during the course of trial. With respect to the charge that newly registered Associations had been given credence and that existing Associations were rejected by the election officer, the learned Senior Counsel, pointed out that the registered associations had sprung up when the 1st plaintiff was the president and during his time as president of TNGA. It was therefore pointed out that the 1st plaintiff having not objected the registration of various Associations in the Districts cannot now point that as a fact, to prevent the elected office bearers from functioning.

29.The learned Senior Counsel pointed out that a duty had been



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cast on the 1st plaintiff to have acted when such registrations were effected in various district and having failed to do so, he cannot now cry hoarse only because the election officer had recognized such registered associations. The learned Senior Counsel pointed out that the election officer had given his reasons in his report and those reasons can be questioned and be tested only during trial and not in a summary manner, on the basis of the averments made and affidavits examined.

30.It was therefore urged by Mr.Vijay Narayan, learned Senior Counsel, that since the office bearers had taken charge and since they had also been subsequently recognized by the Gymnastics Federation of India, it would only be appropriate that they are permitted to function, as otherwise, it would be the Athletes who would suffer for no fault of theirs, if TNGA were to be de-recognized by the National Federation owing to the interse quarrel among the office bearers. The learned Senior Counsel pointed out that the President now elected as a Gymnast of repute and has the interest of the sport at heart and therefore, stated that there cannot be any imputations caused against the defendants or their right as office bearers cannot also be suspected or challenged.

31.Ms.J.Madhumitha, learned counsel for the 3rd defendant / Tamil



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Nadu State Olympic Association, in her arguments pointed out that the 1st plaintiff had forwarded complaints said to have been received by the Gymnastics Federation of India by communication dated 02.11.2021. It was the grievance of the learned counsel that though in the judgment in C.S.No.239 of 2020, the learned Single Judge of this Court (*N.Sathish Kumar, J.*) had permitted the Gymnastics Federation of India and the Tamil Nadu State Olympic Association to participate as observers, they were not even intimated by the Election Officer about the conduct of elections on 02.11.2021. In the written statement filed by the 3rd defendant, it had been stated that the recognition / evaluation of the 1st defendant about the newly elected office bearers had been kept in abeyance and that they would abide by the orders of this Court.

32.A perusal of the pleadings also show that the 2nd defendant namely, Gymnastics Federation of India had also filed their written statement and they have very specifically stated in paragraph No.14 that the plaintiffs had failed to note that it was a Court ordered election and that the Returning Officer had conducted election as per the warrant of the Court and that the 2nd defendant had accepted the same and had recognized the newly elected office bearers.

33.I have carefully considered the arguments advanced and



perused the material records.

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34.This is an unfortunate litigation and collateral damage would be caused owing to this litigation not to any of the plaintiffs or defendants but only to the aspiring Sub-Junior, Junior and Senior Level Gymnasts who had put in long hours and days of practice, hoping that their efforts and talent would be recognized by the various District Associations and thereafter, by TNGA and that TNGA would provide them with a platform to participate in national events and further also.

35.The 1st plaintiff was elected as President of TNGA in the year 2016. By any mathematical calculation his term has ended by the year 2021 when this suit was filed. Elections will necessarily have to be held for the next term. A learned Single Judge of this Court (*N.Sathish Kumar, J.*) had, exercising wisdom while considering the scope of the earlier suit / C.S.No.239 of 2020, nominated by judgment dated 04.11.2020, the 20th defendant herein Mr.L.Chandrakumar, Advocate as election officer. The election officer had, in accordance with the warrant called for elections and had conducted the elections and had declared the results. The procedure adhered thereto is very seriously questioned in the suit and



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incidentally, in these original applications also. The mute question which arises for consideration is whether those issues can be examined without hearing the election officer or whether he should be granted an opportunity of explaining the procedure he adopted for conducting the elections.

36.It is contended by Mr.ARL. Sundaresan, learned Senior Counsel for the plaintiffs, that the report of the election officer speaks for itself. It is specifically pointed out that the electoral college which was in existence for the elections in the year 2016 had been given a go by and those District Associations, which had been registered alone had been recognized by the election officer.

37.It is however, pointed out by Mr.Vijay Narayan, learned Senior Counsel for the defendants that those registrations were done when the 1st plaintiff was holding office as President and if by such registered associations there was a shift in the existing electoral college, it was the 1st plaintiff who had the first opportunity of protesting such registration flowering in various district.



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38.It was also pointed out by Mr.Vijay Narayan, learned Senior Counsel that having failed to do so, it would not lie in the mouth of the 1st plaintiff to now question such registered associations being recognized by the election officer.

39.These are issues which, the 1st plaintiff and those who were members of the previous associations and those who are members of the registered associations will have to explain and they can give such explanation only when they graze the witness box. The evidence tendered by them will necessarily have to be put to test during cross-examination. I hold that it would be highly inappropriate on the part of this Court to accept one version and reject the other, on the basis of affidavits and documents presented.

40.It is pointed out by Mr.ARL Sundaresan, learned Senior Counsel, that a sports association need not be strictly registered. But when such registration had been done and at that particular point of time, the 1st plaintiff was the President of the State Association, then he should have exercised control over the District Associations and protested at such registrations. He will have to explain the steps he had been taken at



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the earliest point of time and if no steps had been taken, he should accept the registered associations.

41.The registered associations cannot also be straight away relegated or put to the back bench and precedence given to the unregistered associations. Members of both associations will have to graze the witness box and a finding can be given only after their evidence is analysed. These aspects lead to the only conclusion that trial is the only judicious manner in which the entire issue can be examined and determined.

42.It is pointed out by Mr.ARL. Sundaresan, learned Senior Counsel, that the the Court should appoint a receiver to oversee the functioning of TNGA. However, it must be pointed that the 2nd respondent, namely, the Gymnastics Federation of India had categorically recognized the office bearers who have elected by the election officer. The 3rd defendant, however, has a different stand and points out a communication forwarded to the 1st plaintiff dated 02.11.2021 in this regard.



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43.The bonafide of the individual who sent those communications is questioned by Mr.Vijay Narayan. Once again there being issues raised and issues controverted, the only manner in which they can be finally adjudicated is by inviting all of them to adduce evidence and examine evidence.

44.In this connection, it would also be extremely instructive to examine an order dated **22.08.2022** in **SLP (C) Nos.30748 to 30749 of 2017**. Those Special Leave Petitions were against an order dated **31.10.2017** in **CM No.19815 of 2012 and CM.No.46919 of 2016** passed by the High Court of Delhi in **All India Football Federation Vs. Rahul Mehra & Others**. The All India Football Federation had received a communication on 15.08.2022 intimating that the Bureau of FIFA Council had on 14.08.2022 taken a decision to suspend AIFF from the membership of FIFA.

45.The learned Solicitor General stated that FIFA had pointed out their concern that the administration and management of AIFF should be conducted only by a duly elected body and the electoral college for elections to AIFF's Executive Council should consist only of



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representatives of States/Union Territories Member Associations and an independent Electoral Committee should oversee the elections to the new Executive Council. Having regard to the impact that owing to the decision of FIFA to suspend AIFF, the under 17 Women's World Cup 2022, which was scheduled in October 2022 would be in jeopardy and the Indian teams selected by AIFF and affiliated clubs would not be able to taken part in any International Football Match, the Hon'ble Supreme Court had directed elections to be conducted with voters list consisting exclusively of representatives of member associations representing the State / Union Territory and by appointing a Returning Officer and determining the schedule for elections.

46.The submission made by the Solicitor General and the relevant portions of the order are extracted below:-

“ 6. Mr Tushar Mehta, Solicitor General, has submitted that FIFA has the following concerns:

(i) The administration and management of AIFF should be conducted by a duly elected body;

(ii) The electoral college for the forthcoming elections to AIFF's Executive Council should consist only of



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representatives of States/Union Territories Member Associations;

(iii) An independent Electoral Committee should oversee the elections to the new EC;

(iv) The AIFF Constitution should be revised in accordance with the requirements of FIFA and AFC; and

(v) The election should take place at the earliest and an elected body should exclusively commence administering the affairs of AIFF.

11. Bearing in mind the importance of the Under-17 Women's World Cup 2022 tournament being held in India, the following directions are issued on the IA:

(i) The election programme, which was fixed in pursuance of the order dated 3 August 2022, is permitted to be modified by extending the date of election by one week;

(ii) The voters' list for the ensuing elections shall consist



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exclusively of

representatives of the Member Associations representing the States/Union Territories (35+1 Associations);

(iii) The Returning Officers - Mr Umesh Sinha and Mr Tapas Bhattacharya – shall be deemed to be the Returning Officers appointed by this Court for the purpose of conducting the elections, there being no objection to their continuance by any of the contesting parties before this Court, including the member associations representing the States/Union Territories;

(iv) The day to day management of AIFF shall be exclusively looked after by the AIFF Administration led by the Acting Secretary General. The mandate of the Committee of Administrators appointed by the order of this Court stands terminated;

(v) The Committee of Administrators has already submitted the draft

Constitution, together with a tabulated set of suggestions, to this Court on 15 July 2022;



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(vi) Time for the completion of the elections which were scheduled to take place on 28 August 2022 shall stand extended by a period of one week. The Returning Officers shall, within the said period, refix the modalities for the filing of nominations from the stage which was reached on 13 August 2022 and ensure that the elections are completed on schedule;

(vii) The EC of AIFF shall consist of 23 persons:

(i) 17 members (inclusive of the President, a Treasurer and one Vice- President) will be elected by the electoral college consisting of 35 Associations representing States/Union Territories;

(ii) 6 members shall be drawn from eminent players in the manner indicated in paragraph 7 above;

12.The above directions have been issued in modification of the previous orders of this Court to facilitate the revocation of the suspension which has been imposed on AIFF by FIFA and the holding of the Under-17 Women's



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World Cup 2022 in India. In the event that the above process is not taken to its logical conclusion, the Court would consider any further order at the subsequent stage.”

47.The seriousness of the issue had been reflected by the Hon'ble Supreme Court in the aforementioned order. If any sports federation were to be run by a receiver appointed by the Court, then the repercussions would have a direct impact on the Athletes. The associations could also be de-recognized or suspended. The TNGA runs that risk, if a receiver is to be appointed.

48.The learned Single Judge (*N. Sathish Kumar, J.*) had directed elections to be conducted and had also appointed an election officer for that purpose. The procedure in which that election was conducted is now questioned in this suit. These are issues to be taken up in the suit. But till then, it is only appropriate that the elected members are permitted to continue till the disposal of the suit. It must be noted that the 2nd respondent had also recognized the elected members.



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49.It is also seen that even interim injunction had not been granted.

Written statements have now been filed. The matter is ripe for trial.

Therefore, since the relief sought in the main Suit and in the Original Applications also overlap, it is only prudent that the plaintiffs offer to test their averments during the course of trial.

50.The learned Single Judge of this Court had, however stated in O.A.No.225 of 2022 that the Annual General Meeting should not be conducted. Taking into consideration the fact that elections have been conducted and drawing wisdom from the view of the Hon'ble Supreme Court that such elections must be conducted with an electoral college consisting of, in that case, being a National Organization with representatives of the State / Union Territories and in this Suit being a State Organization with members of the districts, it is only further appropriate that the elected members are permitted to function in accordance with the rules and laws governing the society. Those rules and laws direct that Annual General Meeting must be conducted to finalize the audit and accounts of the society. It defies logic, if they are permitted to function, but not permitted to take any decision. Decisions can be taken only in the Annual General Meeting.



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51.In view of the aforementioned reasonings, I would permit the Annual General Meeting of the 1st defendant also to be conducted in manner known to law and within such time period as should be conducted as required by law.

52.In the result,

(i).O.A.No.798 of 2021 is dismissed.

(ii).O.A.No.799 of 2021 is dismissed.

(iii).O.A.No.225 of 2022 is dismissed.

(iv).To avoid further confrontations among the parties, I would refrain from awarding costs.

04.11.2022

smv

Index : Yes / No

Internet : Yes / No

Speaking order : Yes / No



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C.V.KARTHIKEYAN, J.,

smv

Pre-delivery order made in

O.A.Nos.798 & 799 of 2021

and

O.A.No.225 of 2022

in

C.S.No.357 of 2021

04.11.2022