



C.S.No.235 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.235 of 2022 &

O.A.No.695 of 2022 & A.No.4883 of 2022

R.R.Kalidas Vandayar

... Plaintiff

Vs

1. Tamil Nadu Cricket Association,
Rep. by its Secretary,
M.A.Chidambaram Stadium,
Victoria Hostel Road, Chepauk,
Triplicane, Chennai, Tamil Nadu – 600 005.
2. Dr.R.N.Babar,
Member, TNCA,
M.A.Chidambaram Stadium,
Victoria Hostel Rd, Chepauk,
Triplicane, Chennai, Tamil Nadu – 600 005.
3. The Electoral Officer,
Annual General Meeting 2002,
Tamil Nadu Cricket Association,
Chepauk, Chennai – 600 005.



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4. The Ethics Officer,
Tamil Nadu Cricket Association,
'Madhyastham', New No.3, Old No.11,
Lakshmi Colony, North Crescent Road,
T.Nagar, Chennai – 600 017.

... Defendants

Civil Suit filed under Order IV Rule 1 of O.S. Rules 1956 read with
Order VII Rule 1 of Civil Procedure Code, 1908 for the following decree
and judgment :

a) For Declaration that the 2nd defendant is not eligible to contest and
hold the post of assistant secretary of 1st defendant office since it is violation
of Clauses 37 and 38 of the Memorandum of Association of the 1st
Defendant.

b) For a mandatory injunction directing the 4th defendant to dispose of
the objection raised by the plaintiff within the time frame fixed by this
Court.

c) For permanent injunction restraining the 1st defendant from
proceeding with the election to post of Assistant Secretary TNCA General
Election 2022 before the adjudication of the plaintiff's objection by the 4th



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defendant either on 05.11.2022 or on any other date.

d. For the costs of the suit.

For Plaintiff : Mr.R.Subramanian
for Mr.K.P.Suresh Kumar

For defendants : Mr.C.Seethapathy
for M/s.Raman & Associates

J U D G M E N T

This suit has been filed for a declaration that the second defendant is not eligible to contest and hold the post of assistant secretary of 1st defendant office since it is violation of Clauses 37 and 38 of the Memorandum of Association of the 1st Defendant and for other reliefs.

2. The suit has been proceeded on the premise that there is conflict of interest in the election of the office bearers and the plaintiff has also given objection in this regard and the same has not been considered by the first defendant. It is also submitted by the learned counsel appearing for the



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defendants that the election is already over in November, 2022. Such being the position, the prayers a and c sought in the suit has become infructuous.

2. The learned counsel appearing for the plaintiff submitted that the prayer 'b' in the suit survives and therefore, the suit has to be retained.

3. On a perusal of the records, it is seen that there is no proof as to objection given by the plaintiff. Even if the objection given by the plaintiff to the fourth defendant is pending, as the election is already over, the plaintiff has to challenge the election and not merely seek a mandamus to consider his objection and the suit is not required to be tried. It is the contention of the defendants that the ethics officer has already decided on the basis of the Memorandum of Association that there is no conflict of interest in respect of the second defendant. In such view of the matter, it is for the plaintiff to challenge the same. The learned counsel appearing for the plaintiff submitted that the Order passed by the ethics officer has not been served to the plaintiff. In such view of the matter, it is for the plaintiff



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to challenge the election and a copy of the Order passed by the ethics officer may be served to the plaintiff.

4. Accordingly, this suit is dismissed as infructuous. No costs.
Consequently, the connected applications are closed.

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Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order



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N.SATHISH KUMAR, J.

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