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A. 4696 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

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THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A. 4696 of 2022

IN

CS. 339 OF 2020

THE KENNEL CLUB OF INDIA
(REGISTRATION NO.16/1959) REPRESENTED BY ITS
SECRETARY CUM TREASURER - C.V.SUNDARSHAN. O.N.89,
N.N.28,AA BLOCK, FIRST ST.ANNA NAGAR, CH-40.

APPLICANT(S)

Vs

THE GOVERNMENT OF TAMIL NADU AND 9 OTHERS
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
COMMERCIAL TAXES AND REGISTRATION DEPARTMENT,
SECRETARIAT, ST.GEORGE FORT, CHENNAI 600 009.

RESPONDENT(S)

For Applicant(s): Mr.R.Srinivas, Senior Counsel
for M/s.Mythili Srinivas

For Respondent(s): Dr.S.Suriya, AGP fro R1 to R3
Mr.S.S.Rajesh for R4, D7 to R10

ORDER

The Kennel Club of India is an organization functioning through out India and recognized by the International Organization. It was duly registered under the Registration Act in the year 1959 as Society No.16 of 1959. However, for some reason,



the returns of the society were not filed. Taking note of this, the authorities declared the society defunct.

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2. Thereafter, the members of the club decided to register a new society under the same name in the year 1997 and got it registered as society No.276 of 1997. However, due to conflicts of interest among the members and complaints against the office bearers regarding misappropriation of funds, the functioning of the club came under scrutiny by the Government. At one stage, the members of both clubs have decided to merge and revive the prior society registered in the year 1959. Accordingly, a merger was carried out but was not officially notified by the Department of Commercial.

3. As agreed, the members revived the old society and a Government Order (G.O.) was passed exempting the society from earlier lapses, from the year 2016. Pursuant to the G.O., dated 03.05.2006, the Kennel Club of India, registered as Society No.16 of 1959 resumed functioning. Election for the office bearers of the club was conducted in the year 2017.

4. Some disgruntled members, who lost the election, filed a suit before this Court.

Meanwhile, based on the complaint by the defendants 4 to 10, the District Registrar



conducted an enquiry, found a misappropriation of the fund. Hence, direc

Secretary cum Treasurer C.V.Sudarshan and his wife Rukmani Sudarshan to repay the

money drawn under the guise of honorarium an ex gratia . However, this order was

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later set aside by the Inspector General of Registration.

5. On appeal, the matter was remanded back to the District Registrar. Incidentally, an application for exempting the society from The Society Registration Act was rejected by the IG of Registration. Also the IG of Registration, who is the 2nd defendant, deemed it fit to supersede the society and appointed a special officer to administer the club. In the circumstances, the suit in C.S.No.339 of 2020 has been filed seeking the following relief:-

- (i) Declaration Rs.1,01,00,000/- and pays a Court fees of Rs.1,04,525/- under Section 27(d) TNCFSV Act;
- (ii) For injunction Rs.1,000/- and pays a Court fees of Rs.75.00 under Section 27(c) TNCFSV Act;
- (iii) For declaration notionally value Rs.5,000/- and pays a Court fees of Rs.375/- under Section 27(d) TNCFSV Act.

6. Pending suit, Application No.4696 of 2022 was filed on behalf of the plaintiff to appoint an election officer for convening the annual general body meeting of the



plaintiff's society and to install a newly elected body in office. The affidavit

support of this application reveals that the term of office of the elected representatives of the club expired as early as December 2020.

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7. When the election notification for the office bearers was published on 10.10.2020, there was interference leading to appointment of special officer by the 1st defendant on 03.11.2020. This appointment is being challenged in the main suit in C.S.No.339 of 2020. Consequently, the office bearers, who were elected for a term of three years from 2017 to 2020, are still continuing in office.

8. The learned counsels appearing for the petitioner/plaintiff and respondents/defendants have made several allegations against each other. Litigation remains pending regarding the membership and administration of the club.

9. This Court after hearing the learned counsels and perusing the records is of the view that this prolonged litigation has hindered the democratic process. The apparent mismanagement and lack of application of mind by the Government authority has led to passing orders as if they are dealing with the society registered as 276/1997 which

<https://www.becomingindia.org> become defunct long ago. For all purpose, the Kennel Club of India having registration



No.16 of 1959 has resumed to function and being administered as per the provisions of the Society Registration Act.



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10. The inspection report by the District Registrar conducted in the year 2018 confirms that the Kennel Club of India with registration No.16 of 1959 has been revived and continue to function to date. However, the present office bearers are holding the office by default and not in accordance with the by-laws, as their tenure expired at the end of December 2020.

11. The allegations and counter allegations of mismanagement and misappropriation of funds have hindered the restoration of a democratically elected body to the club. Therefore, this Court finds merit in Application No.4696 of 2022 seeking appointment of a Commissioner to oversee the election process and put the democratically elected body to administer the affairs of the plaintiff's club.

12. Accordingly, application No.4696 of 2022 is disposed of on the following terms:

(i) Hon'ble Mr.Justice K.N.Basha, Retired Judge of Hon'ble High Court of Madras, is appointed as Commissioner to conduct the election for the office bearers of the Kennel

Club of India having registration No.16 of 1959.



(ii) The learned Commissioner shall finalize the electoral college based on the

members as it stood when the election was earlier notified on 10.10.2020. Additionally

the Commissioner shall consider the list of members furnished by the office bearers of

the society to the Registrar of Societies after 2020, under forms 6 and 7.

(iii) Publish the draft electoral college for members' consideration and finalize the list

thereafter. Upon finalizing the list and after giving due notice of the election date, the

Commissioner shall call for nominations, prepare the ballot papers and conduct the

election as per by-laws of the club.

(iv) An initial remuneration of Rs.3,00,000/- shall be paid by the club to the

Commissioner to commence the election process.

13. List the suit for hearing after receipt of the report from the Commissioner. Till then,

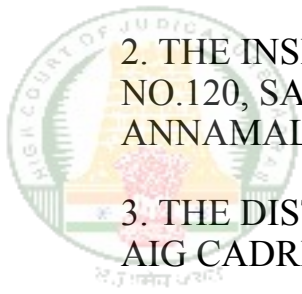
the parties are advised not to precipitate the other litigations pending in various forums.

12-12-2024

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To

1. THE GOVERNMENT OF TAMIL NADU AND 9 OTHERS
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
COMMERCIAL TAXES AND REGISTRATION DEPARTMENT,
SECRETARIAT, ST.GEORGE FORT, CHENNAI 600 009.



2. THE INSPECTOR GENERAL OF REGISTRATION
NO.120, SANTHOME HIGH ROAD, BHARATHI NAGAR, RAJA
ANNAMALAIPURAM, CHENNAI 600 028.

3. THE DISTRICT REGISTRAR (ADMIN)
AIG CADRE, CHENNAI CENTRAL, CHENNAI 600 014.

4. CAPT.SUNNY JACOB
B-6, HERMES PARK, 30, BUND GARDEN, PUNE 411 001, MUMBAI
MAHARASHTRA

5. MR.PARTHA SEKHAR CHATTERJEE
S/O.LATE MR.PURNEDU SEKHAR CHATTERJEE, NO.92, GARPAR ROAD,
CALCUTTA 700 009, WEST BENGAL.

6. SOMNATH MUKHERJEE
S/O.LATE VISHWANATHA MUKHERJEE, NO.26-B, ANANDAPALIT ROAD,
CALCUTTA 700 014, WEST BENGAL.

7. MRS.NAGINA
W/O.DEV PRASAD REDDY, BOKKAPURAM VILLAGE, MASANAGUDI, CASA
DEEP WOODS JUNGLE RESORT, NILAGIRI DISTRICT 643 223.

8. MR.R.CHOCKALINGAM ALIAS R.C.LINGAM
S/O.MR.RAMAIAH, NO.11B/6, NEWSION CO OPERATIVE SOCIETY, OPP SIES
COLLEGE, MUMBAI 400 022. MAHARASHTRA.

9. MR.D.KRISHNAMURTHY
S/O.MR.G.V.DURAI SWAMY, NO.240, RACE COURSE ROAD, COIMBATORE
641 018.

10. MR.VIKRAM DHAMODARAN
S/O.LATE P.R.DAMODARAN, NO.24, KAMARAJ ROAD, COIMBATORE 641
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