

**IN THE COURT OF THE ADDITIONAL DISTRICT MUNSIF,
MAYILADUTHURAI.**

Present: Selvi P. SIVARANJANI M.L.,
Additional District Munsif, Mayiladuthurai.

Thiruvalluvarandu 2056, Visuvavasu varudam, puratasi 10day

Friday, the 26th day of September , 2025

IA.No.07/2025

In

Original Suit No.170/2025

B. Ramachandran,
President, Nagara Karkatha Vellalar Sangam,
Mayiladuthurai

.....Petitioner/Plaintiff

// Vs //

1. T. Ravikumar,
Vice president, Nagara Karkatha Vellalar
Sangam, Mayiladuthurai
2. S. Thillainayagam
3. N. Muthukumarasamy

.....Respondents/Defendants

Amended As per order in Memo dated 26.09.2025

This petition coming up on for hearing before me on 24.09.2025 in the presence of Thiru.K.Balasubramaniyan, Advocate for petitioner and Thiru. S. Balachandran for 1 to 3 respondents, upon perusing the documents and upon hearing the arguments adduced by both side counsels, and having stood over for consideration till this day, this court delivers the following.

ORDER

Petitioner seeking relief of Interim injunction directing the Respondents 1-3 not to elect new president till disposal of the main suit and for other relief.

Brief averments made in the petition are as follows:

2.1. The petitioner has filed the suit for seeking declaration of title and other relief as against the respondents. The petitioner craves leave to treat the averments contained in the plaint as part and parcel of the affidavit.

2.2. The ‘ Mayiladuthurai Nagara Karkatha Vellalar Sangam’ is one of the oldest sangam having its own tradition. It was started on 01.05.1976. The members and office bearers are bound by the Rules and Regulations of the Sangam. The Election for the office bearers was arranged. For the filling Nomination 15.11.2024 to 21.11.2024. For return of the Nomination 23.11.2024. The election date was fixed on 24.11.2024 by the Election Officers. Thereupon on 24.11.2024 election was held. The petitioner was elected as president. The respondent was elected as Vice president. Other office bearers were elected. Mr.N.Muthukumara samy was elected as Treasurer. The above election arrangement was published in Karkathar Oppuravu December 2024. The election arrangement was at page No.51 and 52. The election result was published in Karkathar Oppuravu January 2025 at page No.53. The Office bearers have taken charge of their respective post.

2.3 After taking the charge, the petitioner find out the corruption and misappropriation of fund in the last period. The petitioner submits that came from a

reputed, straightforward, respected family. The petitioner submits that was not able to digest the corruption in the sankam. The petitioner submits that want to streamline the inflow of fund and wants to control the unnecessary expenses. The petitioner submits that found the lock of Sankam, Bero Locker were broken. The petitioner submits that was shocked. The petitioner submits that questioned who broken the lock? What steps and action taken for the broken of lock? This was the first misunderstanding in the sangam. The other office bearers are not willing for the questioning. They want to be a Rubber Stamp president who will not question the malpractice and misappropriation of fund.

2.4 The above case is posted on 22.09.2025 for enquiry. To deprive the petitioner and the Honourable Court, the respondent is convene meeting on 07.09.2025 to elected another president. There was no such meeting held on 07.09.2025. As per the notice circulated, election nomination to be done on 22.09.2025 to 24.09.2025 and election date on 05.10.2025. The announcement of election itself is against law. If the election was conducted the purpose of the suit is deprived. Very cunningly, taking advantage of this Honourable Court not passing injunction order, Urgently the respondents are conducting election. Hence the petitioner prayed to pass Interim injunction directing the respondents not to elect new president till disposal of the main suit.

3. Brief Averments made in the counter are as follows:

3.1 This respondent denies all the allegations that are found in the affidavit. Petitioner has to prove the same. A detailed written statement is filed, which may read as part of this counter. This petition is filed with a prayer, to pass an interim injunction that directing the respondents not to elect new president till the disposal of main suit. It is admitted that the petitioner/Plaintiff Mr. Ramachandran was elected as president in the election held on 24.11.2024. As per bye-law he is eligible to hold this post for three years from the date of Sworning, if he is not removed by the General Body.

3.2 Though the petitioner/plaintiff Ramachandran sworn as president, his reluctant activities as president made a major impact among the majority of the members. They urged to convene a meeting to discuss the activity of Mr. Ramachandran. On 22.06.2025, Executive Committee meeting was convened and in that meeting the activity of Mr. Ramachandran as president of the Nagara Karkatha Velala Sangam was questioned by the majority of the members and a decision was taken to convene the General Body meeting on 12.07.2025. Petitioner/plaintiff attended this meeting and put his signature as 6th person in the register. Accordingly the General Body Meeting was convened after due notice issued by circulation, and the meeting was conducted on 12.07.2025. In that meeting by the Majority of

members it is resolved to remove Mr.Ramachandran from the post of president and the Vice-president was nominated to act as in charge of president till the election was conducted. 95 members attended this meeting and this petitioner/plaintiff attended and put his signature as 29th person. The 1st resolution passed read as, “ மூன்று மாதகாலமாக வங்கி பரிவர்த்தனைகள் எதுவும் நிகழாமையால் சங்க பணிகள் தடைபட்டுப் பொருள் இழப்பு ஏற்பட தலைவரே காரணமாக இருப்பதாலும் சங்க விதிகளுக்கு புறம்பாக செயல்படுவதாலும் மற்ற பொறுப்பாளர்களுடன் இணக்கமாக இல்லாமல் தன்னிச்சையாக செயல்படுவதாலும், சங்க உறுப்பினர்கள் நமது இன மக்களுக்கு செய்யும் உதவிகளை கொச்சைப்படுத்தும் வகையில் மிகவும் தரக்குறைவாக பேசுவதாலும் செயற்குழு உறுப்பினர்களால் கூறப்பட்ட குற்றசாட்டுகளுக்கு சரியான உரிய பதில் அளிக்காமையாலும் தொடர்ந்து பொறுப்பில் இருந்தால் மயிலாடுதுறை நகர கார்காத்த வேளாளர் சங்கம் செயல்படாமல் போகும் நிலை ஏற்படும் என்பதையும் கவனத்தில் கொண்டு தலைவர் தாமாக முன்வந்து தலைவர் பொறுப்பில் இருந்து விலகாத நிலையில் திரு.B. ராமசந்திரன் அவர்களை சங்க தலைவர் பொறுப்பில் இருந்து நீக்குவது எனவும் பொதுக்குழு ஏகமானதாக தீர்மானிக்கிறது". The 2nd resolution reads, “ 2, சங்கத்திற்கு அடுத்த தலைவரை தேர்ந்தெடுக்கும்வரை தற்போதைய

துணை தலைவர் திரு.T. ரவிக்குமார் அவர்கள் கூடுதலாகத் தலைவர் பொறுப்பையும் ஏற்று வங்கி பரிவர்த்தனைகளை செய்யவும் மூன்று மாதத்திற்குள் புதிய தலைவரை தேர்ந்தெடுக்க வேண்டும் எனவும் இப்பொழுதுக்குழு தீர்மானிக்கிறது". As per the second resolution, Vice-president Mr. T. Ravikumar took additional charge as president and issued notice on 23.07.2025 to Mr. B.Ramachandran, as to handover the documents and other material belongs to the Nagara Karkartha Velalar Sangam to him. This is a part of the activity of the in charge president. There is no illegality in his act.

3.3 After taking over as president the 1st defendant herein approached the Bank in which the sangam has current account and explained the situation, got approval to operate bank transaction as per General Body resolution and Rs.3,00,000/- was deposited as Fixed deposit in the name of the sangam. Draw sufficient fund from the bank and distributed for the education of poor children of members. The activity of sangam has been continued as earlier without any interruption. The suit itself is infectious.

3.4 since the Executive committee meeting was held on 22.06.2025 and in that meeting the plaintiff Mr. Ramachandran attended, put his signature as 6th person, and the General Body meeting was held on 12.07.2025, plaintiff attended this meeting also and put his signature as 29th person, he has no locus standi to question the

proceeding of the sangam to elect a new president. At present the Vice-president was nominated to take incharge of president post. He cannot continue the post as in Charge officer. The petitioner/plaintiff may try to prolong the trial of the suit. If it continued this nagara Karkarthar Sangam, which is linked with state Karkarthar Sangam, will lose its right vote and also the benefit which may be available. Further this sangam has deposited about Rs.18,00,000/- in the Bank as Fixed Deposit. They mature on different dates. This particular bank has no option of automatic renewal of Fixed Deposit. Due to this we will lose interest for un renewed periods. Therefore it is prayed that this petition may be dismissed with cost.

4. Points for consideration :

Whether the petitioner is entitled for the relief of interim injunction and other relief as prayed for ?

5. Evidences:

Heard both sides. On the side of the petitioner Ex.P1 to Ex.P5 were Marked and on the side of respondents Ex.R1 marked.

6. Point

6.1 It is the case of the petitioner that the ‘ Mayiladuthurai Nagara Karkatha Vellalar Sangam’ is one of the oldest sangam having its own tradition and it was started on 01/05/1976. The members and office bearers are bound by the Rules and

Regulations of the sangam. The election for the office bearers was arranged and the petitioner was elected as president. The 1st respondent was elected as Vice-president and the 3rd respondent was elected as treasurer. Other office bearers were elected. This election arrangement and results were published in Karkathar oppuravu. After taking charge, the petitioner finds out the corruption and Misappropriation of fund in the last period. The petitioner want to streamline the inflow of fund and wants to control the unnecessary expenses. The petitioner found the lock of sangam, Bero locker was broken. The petitioner questioned who broken the lock? What steps and action taken for the broken of lock? That was the First misunderstanding in the sangam and the other office bearers are not willing for the questioning. They want to be a Rubber stamp president who will not question the malpractice and misappropriation of fund. The petitioner has filed the suit for seeking declaration of title and other relief's as against the respondents. The above case is posted on 22.09.2025 for enquiry. To deprive the petitioner and the court, the respondent is convene meeting on 07/09/2025 to elect another president. There was no such meeting held on 07/09/2025. As per the notice circulated, election nomination to be done on 22/09/2025 to 24/09/2025 and election date on 05/10/2025. The announcement of election itself is against law, if the election was conducted the purpose of the suit is deprived. Very cunningly, taking advantage of this court not passing injunction order, urgently the respondents are conducting election. Hence, in these circumstances, the petitioner prayed that court may be pleased to pass a interim

injunction, directing the respondents not to elect new president till disposal of the main suit.

6.2 It is admitted by the respondents in their counter that the petitioner/plaintiff Mr.Ramchandran was elected as president in the election held on 24.11.2024. It is evident from Ex-P2 and Ex-P3 that the election arrangement and election result was published in karkathar oppurave December 2024 and in Karkathar oppuravu January 2025.

6.3 It is submitted by the respondents that they denies all the allegations as stated by the petitioner. Though the petitioner/plaintiff Ramachandran Sworn as president, his reluctant activities as president made a major impact among the majority of the members. Thereby they urged to convene a Executive meeting on 22/06/2025 to discuss the activity of Mr.Ramachandran as president of the Nagara Karkatha velala Sangam and a decision was taken to convene the general body meeting on 12/07/2025. In that meeting by the majority of member it is resoled to remove Mr.Ramachandran from the post of president and the vice-president was nominated to act as in charge of president till the election was conducted. 95 members attended this meeting and this petitioner/plaintiff attended and put his signature as 29th person.

The 1st resolution passed read as, “ மூன்று மாதகாலமாக வங்கி பரிவர்த்தனைகள் எதுவும் நிகழாமையால் சங்க பணிகள் தடைபட்டுப் பொருள் இழப்பு ஏற்பட தலைவரே காரணமாக இருப்பதாலும் சங்க விதிகளுக்கு புறம்பாக செயல்படுவதாலும் மற்ற பொறுப்பாளர்களுடன் இணக்கமாக இல்லாமல் தன்னிச்சையாக செயல்படுவதாலும், சங்க உறுப்பினர்கள் நமது இன மக்களுக்கு செய்யும் உதவிகளை கொச்சைப்படுத்தும் வகையில் மிகவும் தரக்குறைவாக பேசுவதாலும் செயற்குழு உறுப்பினர்களால் கூறப்பட்ட குற்றசாட்டுகளுக்கு சரியான உரிய பதில் அளிக்காமையாலும் தொடர்ந்து பொறுப்பில் இருந்தால் மயிலாடுதுறை நகர கார்காத்த வேளாளர் சங்கம் செயல்படாமல் போகும் நிலை ஏற்படும் என்பதையும் கவனத்தில் கொண்டு தலைவர் தாமாக முன்வந்து தலைவர் பொறுப்பில் இருந்து விலகாத நிலையில் திரு.B. ராமசந்திரன் அவர்களை சங்க தலைவர் பொறுப்பில் இருந்து நீக்குவது எனவும் பொதுக்குழு ஏகமானதாக தீர்மானிக்கிறது”.

The 2nd resolution passed read as, “ 2, சங்கத்திற்கு அடுத்த தலைவரை தேர்ந்தெடுக்கும்வரை தற்போதைய துணை தலைவர் திரு.T. ரவிக்குமார் அவர்கள் கூடுதலாகத் தலைவர் பொறுப்பையும் ஏற்று வங்கி

பரிவர்த்தனைகளை செய்யவும் மூன்று மாதத்திற்குள் புதிய தலைவரை தேர்ந்தெடுக்க வேண்டும் எனவும் இப்பொழுதுக்குழு தீர்மானிக்கிறது".

Since the Executive committee meeting was held on 22.06.2025 and in that meeting the plaintiff Mr. Ramachandran attended, put his signature as 6th person, and the General Body meeting was held on 12/07/2025 plaintiff attended this meeting also and put his signature as 29th person, he has no locus standi to question the proceeding of the sangam to elect a new president

6.4 On the other hand, the petitioner counsel submits that no General body meeting was held on 12.07.2025 ,even if the meeting was convened is illegal not properly convened and it will not bind the petitioner/plaintiff. No show cause notices and nothing was given to president regarding any allegations. The respondents have no right to remove the petitioner from the president post. The alleged meeting book is an forged concocted one.

6.5 On rival submissions made by both the petitioner and the respondents, it is pertinent to note that the petitioner and the respondents admit that the members and office bearers are bound by the Rules and Regulations of the above said sangam. Ex.P1 is by laws of the Nagara Karkatha Vellalar Sangam. Ex.P1 is extracted hereunder.

“ 17) ஒழுங்கு நடவடிக்கை:

ஓர் உறுப்பினர் அல்லது சில உறுப்பினர்கள் சங்கத்தின் வளர்ச்சிக்கும் செயல்பாட்டிற்கும் பாதிப்பை ஏற்படுத்துவதாகத் தெரிந்தால் செயற்குழு அந்த நபரை அழைத்த பேசி பிரச்சனையைத் தீர்த்து வைக்கலாம் அல்லது அவர்கள் மீது ஒழுங்கு நடவடிக்கை எடுக்கலாம். அவர் தன் நடவடிக்கைக்கு வருத்தம் தெரிவித்தால் செயற்குழு அவர் மேல் எடுத்த நடவடிக்கையை ரத்து செய்யலாம்"

The respondents has not been adduced any oral or documentary evidence regarding disciplinary actions taken against the petitioner. Ex.R1 is minutes book (செயற்குழு கூட்டம் பதிவுஎடு) reveals that there is no disciplinary action taken against the petitioner. Hence it's clear that the respondents have deliberately failed to take action according to their union's bylaws against the petitioner/Plaintiff. At this juncture, this court inclined to consider the fact that there is no show cause notice was given to petitioner regarding any allegations.

6.6 Ex.P.1 is extracted hereunder

" 16) பொதுக்குழு கூட்டம்:

சிறப்பு பொதுக்குழுவைக் கூட்ட விரும்பினால் 3ல் 2 பங்கு உறுப்பினர்கள் அல்லது 50 உறுப்பினர்கள் எழுத்து மூலமாக தலைவர்

மூலம் அல்லது செயற்குழுவில் கோரிக்கை வைக்கலாம். அதிலிருந்து 21 நாட்களுக்குள் சிறப்பு பொதுக்குழு கூட்டப்பட வேண்டும்".

It is pertinent to note, that the Respondents in their counter states General Body meeting was convened after due notice issued by circulation and the meeting was conducted on 12/07/2025. It is totally contrary to Ex.R1. On perusal of Ex.R1 there is no General Body meeting held on 12/07/2025, on that day special General Body Meeting was convend. As per by laws, the special General Body meeting should be conduct only after obtaining written submission by 2/3 member or 50 members. The respondents has not been adduced oral or documentary evidence regarding written submission of 2/3rd members or 50 members in order to convened special General Body meeting. In this juncture, this court inclined to consider the fact that the respondents have not acted according to the rules and regulations of the above said sangam. The respondents submits in their counter that, the General Body meeting was conducted on 12/07/2025 and in that meeting by the majority of Members it is resoled to remove petitioner from the post of president and the Vice-President was nominated to act as in charge of president until the next election was conducted. 95 Members of the above said sangam were attended this meeting and this petitioner also attended the said meeting and put his signature as 29th person. But Ex.R1 Minutes Book reveals there is no General Body Meeting held on 12/07/2025. The respondents failed to adduce oral or documentary evidence regarding show cause notice given to the petitioner based on the allegations framed and also getting

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explanation from petitioner. It is evident that, the respondents have deliberately violated the principle of Natural Justice by not following the rules and procedures formulated under the Sangam's bylaw and by acting in hasty manner in appointing the vice president as president incharge until the election of the new president.

6.7 Further the 1st respondent submits in his counter that after taking incharge as president, the 1st respondent approached the Bank in which the sangam has current account and explained the situation, got approval to operate bank transaction as per General Body resolution and a sum of Rs.3,00,000/- was deposited as fixed deposit in the name of the sangam.

Ex.R1 (Page No.45) extracted hereunder.

2. "கல்வி உதவிதொகை வசூல் செய்யும் தொகையினை வங்கியில் போடவும் எடுக்கவும் முடியாதக்காரணத்தினால் தொகையை கையில் ரொக்கமாக வைத்துக்கொண்டு 15 தினங்களில் மாணவர்களுக்கு கல்வி உதவி தொகையை கொடுக்க தீர்மானம் நிறைவேற்றப்பட்டது"

The 1st respondent averments made in the counter is totally contrary to the entry made in the Minutes book (Ex.R1). There is no oral or documentary evidence adduced by the 1st respondent whether the amount to the sum of Rs.3,00,000/- is deposited into the bank account that stands in the name of sangam or not. The contra resolutions create a doubt regarding credibility of the entries made in the minute book (Ex.R1).

6.8 The petitioner submits that the petitioner has been filed suit for relief of declaration that there was no General Body Meeting held on 12/07/2025, even if the meeting was convened, the meeting is illegal, not properly convened and it will not bind the Plaintiff. The above case is posted on 22.09.2025 for enquiry. To deprive the petitioner and court, the respondent conducted a meeting on 07/09/2025 to elect the new president. But the respondents failed to prove the meeting held on 07/09/2025 through the relevant and cogent evidence. As per the notice circulated, election nomination to be done on 22.09.2025 to 24.09.2025 and election date was fixed on 05.10.2025.

6.9 on the other hand, the respondent's submits that already the president election was declared to be held on 05/10/2025. The process of filling nomination for the post of president has been stated on 22.09.2025. More than 5 persons get the application and among them one person filled his completed nomination. Hence, the process of election has been started on 22/09/2025 and at this stage it cannot be stopped.

6.10 Ex.P1 is extracted hereunder

"16) பொதுக்குழு கூட்டம்:

3 ஆண்டிற்கு ஒரு முறை பொதுக்குழுவில் பொறுப்பாளர்கள் தேர்வு நடத்தப்பட வேண்டும். தேர்தல் முறையாக நடத்தப்படாவிட்டால் 3

மாத காலத்திற்குள் செயற்குழு கூடி இடைக்காலத் தலைவரைத் தேர்வு செய்து பொதுக்குழு தேதியை அறிவித்து தேர்தலை நடத்தலாம்"

On persual of Ex.R1 it is evident there is no General Body Meeting conducted for the election of president election. Ex.R1 contains page number totally from 1 to 176. As per the submissions made by the respondents, each and every meeting convened was registered in the Ex.R1. As per By law, General Body Meeting should be conducted prior to be intiation of election process. According to Ex.R1 on 03/08/2025 Executive meeting was convened and this is the last entry. In this juncture, this court inclined to consider there is no General body meeting held for president election and this court decides that there was no such meeting held on 07/09/2025 infavour of the Petitioner/Plaintiff. As per the notice circulated election nomination to be done on 22/09/2025 to 24/09/2025 and election date was fixed to 5/10/2025 and the announcement of election itself is against law. If the election was conducted on the date so mentioned, the purpose of the suit will be deprived of merits.

6.11. The present petition was filed for the relief of interim injunction, on perusal of records submitted by both the parties its evident that the petitioner has proved his prima facie case beyond the preponderance of probability. Dismissing this petition will potentially harm the petitioner and his right and will cause irreparable injury to him aswel. And hence the balance of convenience and irreparable injury is decided in favour of the petitioner.

In the light of the above discussion, this petition is allowed as to pass Interim injunction as directing the respondents 1 to 3 not to elect new president till disposal of the main suit and the petitioner is not entitled to any other reliefs and no cost.

Dictated to the Steno -Typist, typed by her directly in the Computer, corrected and pronounced by me in open court this the 26th day of September 2025.

Additional District Munsif,
Mayiladuthurai.

Annexures:

List of witness examined on the side of Petitioner: Nil

List of documents marked on the side of Petitioner:

EX.P1- Sangam Byelaws- Original
EX.P2- Karkarthar Oppuravu December 2024-Original
EX.P3- Karkarthar Oppuravu January 2025-Original
EX.P4- Letter by 1st Respondent- served copy
EX.P5-Karkarthar Oppuravu July 2025-Original

List of witness examined on the side of Respondent : Nil

List of documents marked on the side of Respondent :

EX.R1- Minute Book (Register)

Additional District Munsif,
Mayiladuthurai.

Fair/Draft Judgment

IA.No.7/2025

OS.No.170/2025

Date: 26.09.2025