

IN THE COURT OF THE SUB JUDGE, CHERTHALA

Present:- Ms. Lakshmy.S., Sub Judge

Tuesday 05th day of August 2025/ 14th Sravana 1947

I.A No. 01/2025 in CMA No. 21/2025

(Filed on : 26.07.2025)

Petitioners /Appellants:-

1. Kadakkarappally Padinjare Kottaram Vadakkum Bhagom N.S.S.Karayogam NO. 1608 represented by its Secretary- D.N.Sreekumar, S/o Damodaran Nair, aged 67 years, Krishnakripa, Kadakkarappally.P.O, Cherthala-688529.
2. P.Krishnakumarji, S/o Padmanabhan Nair, Pensioner, aged 66 years, Krishnasudha, Kadakkarappally.P.O, Cherthala-688529.
3. Purushothama Kurup, S/o Parameswara Kaimal, aged 72 years, Padmadalam, Kadakkarappally.P.O, Cherthala.
4. M.Soman, S/o Madhavan Nair, aged 74 years, Tharathanattil, Kadakkarappally.P.O, Cherthala-688529
5. Kannan.H, S/o Haridas, Tharthanattu Nikarthill, Kadakkarapally.P.O, Cherthala-688529
6. Sanilkumar.P, S/o Parameswaran Pillai, aged 52, Kuttathara Chira, Kadakkarappally.P.O, Cherthala-688529

Adv. T. Jayakrishnan

Respondents/Respondents :-

1. Nair Service Society, represented by its Registrar, Perunnai, Changanasseri, Kottayam- 686102
2. Cherthala Taluk N.S.S. Union Reg No. 967 represented by its President:- Prof. Elanjiyil Radhakrishnan, Union Office, Cherthala-688524
3. Cherthala Taluk N.S.S. Union Reg No. 967 represented by its Secretary: Jayakrishnan, Union Office, Cherthala-688524
4. Cherthala Taluk N.S.S. Union Reg No. 967 represented by its Vice President- Adv.S.Muralikrishnan, Union Office Cherthala-688524
5. Cherthala Taluk N.S.S. Union Reg No. 967 represented by its Union Inspector- Jayakrishnan. Union Office, Cherthala-688524
6. Mohanan Nair, Union Committee member, Cherthala Taluk N.S.S. Union Reg No. 967, Cherthala, Union Office, Cherthala
7. Advocate C.Madhu, Union Committee member, Cherthala Taluk N.S.S. Union Reg No. 967, Cherthala.
8. P. Parameswaran Nair, S/o. not known to plaintiffs, aged about 72 years, Bhargavi Nilayam, Pattanakkad.P.O, Cherthala-688531

R2,R3, R5 By Adv. N.Ratheesh

This IA having been heard on 01.08.2025 and the Court on 05.08.2025 passed the following.

ORDER

This petition is filed by the appellants under S.151 and O.39 Rule 1 CPC to restrain the operation and implementation of the decision allegedly taken by the first defendant, to supersede the existing Managing Committee of first plaintiff Padinjare Kottaram, Vadakkum Bhagom NSS Karayogam No.1608 and to restrain the defendants from assuming or handing over power otherwise than due process of law, pending disposal of the appeal.

2. The contentions of the petitioners are as follows: The suit is one for declaration and injunction. The illegal and arbitrary decision taken by the 1st respondent to supersede the democratically elected committee usurping imaginary power is under challenge in the suit. Interim injunction petition against implementation and operation of the order impugned was dismissed by the trial court which is the subject matter in the above appeal. Each moment is crucial and the tenure of petitioners would expire soon. The injuries and sufferings are not only irreparable and unbearable but harsh and brutal. No logical or legal reason exist for the removal of petitioners. The petitioners have every right to be in power till a democratically elected committee assumes

power. Hence the petition.

3. The respondents No.2, 3 and 5 filed caveat and hence, notice was issued to the caveators through their counsel. They filed objections as follows: The petition is not maintainable either in law or on facts. The person who sworn the affidavit in support of the application, has no locus standi to represent Kadakkarappally Padinjare Kottaram Vadakkum Bhagam N.S.S. Karayogam No.1608, as he is not the present Secretary of the Karayogam. He was removed from the office on 18/6/2025. The relief in the injunction application is, in effect, the very same as the main relief in the appeal proceedings. An Ad-hoc Committee has taken charge of the Kadakkarappally Padinjare Kottaram Vadakkum Bhagam N.S.S. Karayogam No. 1608 on 18/6/2025 pursuant to the order issued by the 1st respondent, the N.S.S. Registrar, dated 17/06/2025. The Ad-hoc Committee thereafter convened committee meetings on 18/6/2025, 30/6/2025, 5/7/2025 & 20/7/2025 and took full control over the affairs of the Karayogam, including taking charge of the Padinjare Kottaram Devaswom which is under the administration of the Karayogam. The Devaswom Committee also held meetings on 23/6/2025, 30/6/2025, and 15/7/2025. They have changed the Karayogam's bank accounts and other official documents in the name of the Ad-hoc Committee. The said Ad-hoc Committee, is the competent body to represent the Karayogam in all

legal proceedings. Any order passed in their absence would directly and adversely affect their legal rights and interests. The previous Committee granted membership to one Mrs. Girija Ramachandran against clause 5(e) of the bylaw. This act on the personal interest of the then President (2nd appellant) was contrary to the collective interest and sentiments of the general body of the Karayogam. In light of these developments and the growing dissatisfaction among members, the General Body resolved to direct the President to step down and the Vice President was directed to take charge. Thereafter, the 2nd appellant filed an application before the N.S.S. Cherthala Taluk Union to set aside the decision of the General Body. The 2nd respondent after due deliberation, decided that the Vice President should take over the charge of the President. Thereafter, the Vice-President submitted an application before the Secretary of the N.S.S. Cherthala Taluk Union, that due to the absence of a proper transition of power, he was unable to effectively carry out the administrative functions and therefore sought appropriate intervention. But the meeting convened by N.S.S. Cherthala Taluk Union Secretary was disrupted due to commotion and unrest. In view of these circumstances, and considering the administrative deadlock, the intervention of the N.S.S. Registrar became necessary, which led to the appointment of the present Ad-hoc Committee. The allegation made by the petitioner/appellant that the present issues involve

caste discrimination is wholly baseless, misleading, and made with the intent to divert attention from the real issues. As per Clause 55 of the bylaw, the N.S.S. Registrar is expressly empowered to appoint an Ad-hoc Committee in the event of administrative stagnancy or failure in the functioning of the Karayogam.

4. In *Edapally Central NSS Karayogam v. Registrar* (2020 Supreme (online) (KER) 45654) the Hon'ble High Court has held that the Registrar acted within his jurisdiction under the Bye-laws, as the conditions for appointing an Ad-hoc committee were met due to the Elected Committees inability to function effectively. In *Sree Bhagavathy Vilasam NSS Nair Service Society* case, the Hon'ble High court of Kerala held that the exercise of discretion in granting injunctions must be based on sound legal principles and careful consideration of circumstances, including the authority granted under the relevant bye laws. In *Somasekhara Pillai v. Sudhakara Kaimal*, the Hon'ble High Court upheld the Registrar's authority to assume control over the Karayogam due to the existing Committee's inability to convene meetings, thereby affirming the validity of the injunction and the appointment of an Adhoc Committee. In *L.D.Meston School Soceity v. Kashi Nath Misra*, the Hon'ble High Court of Uttarpradesh held that an injunction cannot be issued to preserve the status quo when the status quo has already been changed. The petitioners are not entitled to any injunction, and there is no reason to interfere

with the functioning of the Ad-hoc Committee appointed in accordance with law. The petitioners have deliberately failed to disclose their own misconduct, the administrative deadlock during their tenure, and the widespread dissatisfaction among the members that necessitated the intervention of the competent authority. Hence the petition is liable to be dismissed.

5. Heard and perused the records.

6. The following points arise for consideration: -

1. Whether the petitioner is entitled to get an ad-interim injunction, as prayed for?
2. What is the order?

7. **Point No.1:** This is an appeal preferred by the appellants/plaintiffs challenging the order passed by the learned Munsiff dismissing the application for temporary injunction in the suit filed by them. The plaintiffs, claiming to be the elected members of the Managing Committee of the appellant NSS Karayogam, sought to restrain the first respondent, the NSS Registrar, from enforcing the administrative order superseding the Managing Committee and appointing an Ad-hoc Committee in its place.

8. The petitioners have contended that they were the duly elected office bearers and that the Registrar acted without jurisdiction and in violation of the by-laws, particularly as there was no administrative impasse warranting the invocation of Clause 55 of the by-law. It is further alleged that the

supersession was arbitrary, illegal, and violative of natural justice, and that they were entitled to continue in office until the expiry of their term.

9. The respondents, on the other hand, have contended that the intervention of the NSS Register was in strict compliance with Clause 55 of the by-law, and was necessitated by the serious breakdown in the administration of the Karayogam. It was pointed out that the then President had stepped down due to the controversy over the grant of membership to one Smt.Girija, and the Vice President, who assumed charge, was unable to convene meetings or conduct elections due to the non-cooperative attitude of six managing committee members, who are the present petitioners/appellants. The Vice president and a large number of general members addressed representation to the NSS Taluk Union, highlighting the administrative deadlock. Based on these representations and after due consideration, the Registrar exercised his powers under Clause 55 to appoint an ad-hoc committee to restore normalcy in administration.

10. The respondents have further submitted that the ad-hoc committee has assumed charge on 18.06.2025, prior to the filing of the suit on 19.06.2025, and that the petitioners were no longer in office as on the date of institution of the suit. The learned Munsiff, after considering the rival contentions, found that the petitioners have failed to make out a prima facie case for the grant of

injunction. The trial Court found that the petitioners' status as office bearers had already come to an end upon the issuance of the Registrar's order and on the subsequent assumption of charge by the ad-hoc committee.

11. The learned Munsiff also rejected the contention that the suit was maintainable despite non-joinder of the ad-hoc committee members, finding that the challenge was primarily against the order of the Registrar and not the individual conduct of the committee members. The trial court further held that the order of the Registrar was validly passed under Clause 55 of the by-law, on account of the administrative impasse that had arisen within the managing committee, and that the appellants had failed to demonstrate any illegality or malafides in the exercise of such power. On the question of balance of convenience and irreparable injury, the trial court found that no prejudice would be caused to the plaintiffs, as the ad-hoc committee was already in control and functioning under the authority of a valid order, and that any interference would be disruptive to the current administrative set-up. Based on these findings, the injunction application was dismissed.

12. The petitioners urged for an immediate intervention of this Court to consider passing an ad-interim injunction. Hence, the matter was taken up for hearing the petitioners and the respondents No.2, 3 and 5 to enquire into the scope of an ad-interim injunction. This Court has examined the available

materials and the reasoning of the learned Munsiff. It is evident from the records that the ad-hoc committee had assumed charge of the Karayogam on 18.06.2025 pursuant to the order of the Registrar. The suit was instituted only on 19.06.2025. The minutes book as well as the correspondence from the NSS authorities, confirms that the petitioners were not in administrative control at the time of filing of the suit. The ad-hoc committee is presently functioning under the authority of the impugned order, and there is nothing on record to suggest any attempt to delay or obstruct the democratic process.

13. However, the finding of the learned Munsiff that there existed an administrative impasse warranting the exercise of power under Clause 55 of the by-law is a matter which calls for careful examination. While there are materials on record indicating discord and lack of co-operation within the managing committee, this Court is of the considered view that whether such discord rose to the level of an “administrative impasse” as contemplated under Clause 55 of the by-law is a mixed question of law and fact. This issue involves appreciation of evidence and cannot be conclusively determined at the interlocutory stage. The learned Munsiff ought to have refrained from rendering a final finding on that issue, as it would have a direct bearing on the outcome of the suit. Therefore, the said observation is treated as premature and not binding for deciding the suit on merits.

14. The petitioners are the majority members of an elected body and the whole issue centres on the decision of the said committee to induct a new member in the Karayogam. The membership issued to a woman who belonged to Veluthedathu Nair community has created so much of hue and cry in the Karayogam. This according to the petitioners, is violation of the rights guaranteed under the Constitution of India. It appears that no other allegations are made against the appellants regarding the management and administration of the Karayogam.

15. So, the interference of the Registrar on the sole decision of a duly elected Committee regarding issuance of membership and the decision to appoint an adhoc committee without notice to the appellants are all matters favourable to the appellants to establish a prima facie case in favour of the petitioners. Undoubtedly, the finding of the trial court that the petitioners have no prima facie case requires re-appreciation in this appeal.

16. At the same time, the relevant aspect is that the term of the previously elected managing committee is set to expire in this month itself. It is reasonable to assume that the ad-hoc committee, presently in charge, would proceed with the conduct of elections in accordance with the by-law. The petitioners have not alleged that the ad-hoc committee intends to continue

indefinitely or subvert the democratic process. In fact, the smooth conduct of elections in the normal course would serve the larger interest of the Karayogam and ensure restoration of an elected body, thereby addressing the concerns raised by the petitioners themselves.

17. In the light of these considerations, this Court finds that disallowing the ad-hoc committee to continue in administration would create more havoc and hence an ad-interim injunction cannot be granted. The point is found against the petitioners.

18. **Point No.2:** - In view of the findings on point No.1, the petitioners are found not entitled to get an ad-interim injunction without hearing all the respondents. Issue notice to respondents No.1, 4, 6 to 8.

Dictated to Confidential Assistant, typed by her directly to computer and pronounced by me in open court on this the 5th day of August, 2025.

Sd/-
LAKSHMY.S,
SUB JUDGE.

Appendix:-NIL

Id/-
SUB JUDGE