

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.6350-6351/2001

(From the judgement and order dated 15/11/2000 in CRP 3079/00  
of The HIGH COURT OF MADRAS)

C. PANDI

Petitioner (s)

VERSUS

T. SUNDARARAJAN AND ORS

Respondent (s)

(With prayer for interim relief)  
( With Appln(s). for permission to submit additional document(s) )

Date : 01/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr.K.Rajendra Chowdhary,Sr.Adv.  
Mr. Rakesh K.Sharma,Adv.

For Respondent (s) Mr.P.S. Mishra,Sr.Adv.  
M/s.Venkataswamy,S.Jayashima,S.C.Sekar and  
Mr. V.K.Sidharthan,Advs.  
Mr. Krishna Pal Singh,Adv.  
Mr. R. Ayyam Perumal,Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

Counsel for the respondent No.5 states that no  
counter affidavit need be filed.

The High Court in a second appeal quashed the  
proceedings of the 19th General Meeting and directed that the  
Additional Subordinate Judge would take steps for holding  
election to the Manner Thirumalai Naicker College, Madurai.  
The High Court, further, directed that the person, thus,  
nominated will convene a General Body Meeting after giving  
due intimation to all the members by giving reasonable time

- 2 -

to those members to attend the meeting, and if bye-laws  
provides any fixed period, then that period should be  
complied with. The grievance of the present applicant is  
that even though the aforesaid order did not authorise the

nominated person to to enrol new members, but the said person went on enrolling members, which ultimately would vitiate the election, which was scheduled to be held. Mr. Mishra for the respondents disputes the aforesaid allegation. The High Court, however, did not entertain this grievance being of the opinion that the election having already been held, the appropriate remedy available to the applicant under the Societies Registration Act or by way of an election petition. The contention of the learned counsel for the applicant is that there is no remedy for filing an election petition available under the Societies Registration Act, and therefore, the High Court was in error in refusing to entertain and decide the merits of the grievance made in the application filed. On examining the provisions of the Tamil Nadu Societies Registration Act, we do not find that the said Act provides for an election petition to be filed challenging an election to the management of the society. The High Court obviously was in error on that score. But having regard to the facts that the election has already been held, in the absence of any provisions in the Act for redressal of the same, it is the appropriate forum, which may be a Civil Court or in a given case the High Court depending upon the facts of the case. In that view of the matter, question of interference with the impugned order invoking our jurisdiction under Article 136 does not arise. We, however, make it clear that the aggrieved person can approach the

- 3 -

appropriate forum for redressal of his grievance. With these observations, the SLPs. are dismissed.

.SP1

(Y.P.Dhamija)	(Janki Bhatia)@@
AAA	
Court Master	Court Master@@
AAAA	

.PA