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A No. 4180 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 30-09-2026

Pronounced on : 05.10.2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

A No. 4180 of 2026

in

CS SR NO. 168724 OF 2026

Dravida Munnetra Kazhagam (DMK)
Represented by its General Secretary
Thiru Duraimurugan,
S/o.Duraisamy (late)
369, Anna Arivalayam, Anna Salai, Teynampet,
Chennai 600 018.

..Applicant

Vs

- 1.C.T.R.Nirmal Kumar
Minister for Electricity,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.
- 2.Aadhav Arjuna
Minister for Public Works and Sports, Government
of Tamil Nadu,
Secretariat, Fort St.George,
Chennai 600 009.
- 3.Tamilaga Vettri Kazhagam (TVK) IT Wing,
TVK Head Office, 8th Avenue, Panaiyur, Chennai
600 119.
- 4.X Corp/X India, Formerly Twitter
8th Floor, The Estate, 121 Dickenson Road,
Karnataka, Bengaluru 560 042.
- 5.Meta Platforms, Inc Unit 28 and 29
The Executive Center, Level 18,
DLF Cyber City, Building No.5, Tower A, Phase
III, Gurgaon 122 002, India.



6.YouTube (Google)
Google RMZ Infinity
No.3 Tower E, Old Madras Road, Sadanandanagar,
Bennigana Halli, Bengaluru, Karnataka 560 016

7.John Doe

8.John Doe

9.John Doe

10.John Doe

..Respondents

A No. 4180 of 2026

To grant leave to sue against the Respondents 3, 4, 5,6/Defendants
3,4,5 6 in the above suit before this Hon'ble Court.

A No. 4180 of 2026

For Applicant: Mr. J. Ravindran, Senior Advocate
for M/S.U.Baranidharan

For Respondent(s): Mr. Vijay Narayan, Advocate General
Assisted by Ms. M.B. Ramya for R1

Mr. Satish Parasaran, Senior Advocate
for Mr. Pranjal Agarwal,
Ms. Dixita Gohil,
Mr. K. Nishvakk for R2

Mr. G. Murugendran for R3.



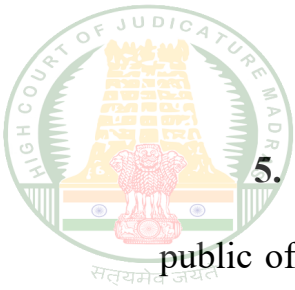
Order

WEB COPY This application has been filed by the applicant / plaintiff seeking leave under Clause 12 of Letters Patent to institute the proposed suit against the respondents 3 to 6, who are stated to be carrying on business or operating outside the jurisdiction of this Court.

2. The proposed suit is one for damages for defamation arising out of publications made by respondents 1 and 2 and the subsequent uploading, hosting, circulation and dissemination of the said publications through the platforms operated by respondents 3 to 6. The applicant claims damages of Rs.1,01,00,000/- on the ground that the publications contain false and defamatory imputation which have lowered the applicant's reputation.

3. It is the specific case of the applicant that the impugned publications were made available and widely circulated within Chennai; that the applicant has its office at Chennai; that persons within Chennai had accessed the publications and made enquiries with the applicant; and that the applicant suffered injury to its reputation within the jurisdiction of this Court.

4. The applicant therefore contends that a substantial and material part of the cause of action has arisen within the jurisdiction of this Court and seeks leave to sue the defendants outside the jurisdiction.

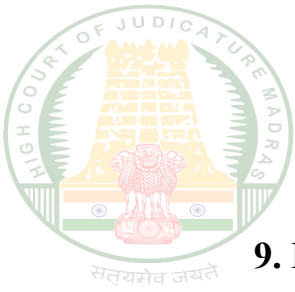


5. The respondents 1 and 2 have principally contended that they are public officers and that the proposed suit is not maintainable in the absence of prior notice under Section 80 CPC.

6. The 3rd respondent has contended that it is only an internal wing and has no independent legal personality or capacity to be sued. It is further contended that no cause of action has been disclosed against it and that the applicant has not established the authority of its General Secretary to institute the suit. It is also contended that, the applicant cannot represent the collective interest of a political party without complying with Order 1 Rule 8 CPC.

7. On the side of the applicant, reliance was placed upon the judgments in *Vellore Institute of Technology vs. G.V. Sampath and others* (A. Nos.3559 & 3560 of 2013 in C.S. No.518 of 2013), *Boston Scientific International BV vs. Trivitron Health Care Pvt. Ltd.*, (A.No.3650 of 2015 in C.S. No.380 of 2015), *R. Mathiazhagan vs. P.J. Ethiraj*, (A. No.23 of 2020 in A. No.1702 of 2013 in C.S. No,247 of 2013), and *Isha Distribution House Private Limited vs. Aditya Birla Nuvo Limited and another*, reported in (2019) 12 SCC 205.

8. In *Vellore Institute and Technology*, it was held that,
“the grant of leave cannot be regarded as defeated or severally prejudicing any rights of the proposed defendants because it is always open to them to file an application for revocation of leave”



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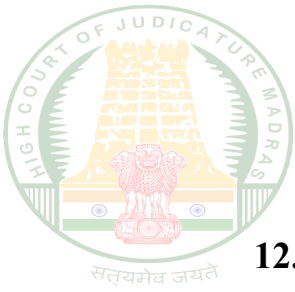
9. Further *in Boston Scientific case*, it was held that,

“in considering an application for grant of leave or revocation thereof, the appropriateness or suitability of the forum would be material”

and concluded on the facts that Chennai was an appropriate forum because a substantial part of the cause of action had arisen there.

10. In *R.Mathiazhagan's case*, the plaintiffs have sought leave under clause 12, contending that certain relevant transaction had taken place at Chennai. The proposition laid in that case is that, an application for revocation of leave should be made at the earliest stage.

11. In *Isha Distribution House Private limited Case*, the plaintiff had obtained leave under clause 12 of Letters Patent. The defendants succeeded in having that leave revoked on the ground that the cause of action arose outside Calcutta. The Hon'ble Supreme Court reversed that approach and approved the principle that questions of territorial jurisdiction should ordinarily be dealt with in the written statement and framed as an issue, rather than having the plaint removed from the file through a revocation application, except in the clearest cases.



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12. Mr.J.Ravindran, the learned Senior Counsel for the applicant would submit that applying the said principles, the question at the stage of considering leave under Clause 12 is whether, on the averments in the plaint, a substantial and material part of the cause of action is pleaded to have arisen within the jurisdiction of this Court. Where such jurisdictional facts are pleaded, disputed questions related to their proof, or collateral objections considering the ultimate maintainability of the suit, need not ordinarily be finally adjudicated at the threshold. The defendants are entitled to raise such objections in the suit.

13. On the other hand, the learned Advocate General and Mr.Sathish Parasaran, the learned Senior Counsel for the second respondent and Mr.G.Murugendran, learned counsel for the third respondent would jointly submit that the authorities cited by the learned counsel pertains to the territorial jurisdiction of the Court. Whereas, the objections raised are concerned to the maintainability of the suit itself and that when the suit itself is not maintainable, leave cannot be granted.

14. Reliance have been placed upon, *inter alia*, to the following judgments:

1.Mrs. Jai Rajkumar and another vs. Stanbic Bank Ghana Ltd., and another reported in 2018 SCC OnLine Mad 10472.



2. Order of this Court dated 03.11.2022 in C.S. (Comm.Div) SR. No.89822 of 2022 and A.No.4637 of 2022 .

3.State of A.P. and others vs. Pioneer Builders, A.P. reported in (2006) 12 SCC 119.

4.Bakshi Ghulam Mohd. vs. G.M. Sadiq and others reported in 1968 SCC OnLine J&K 5.

5.M. Karunanidhi vs. Union of India and others reported in (1979) 3 SCC 431.

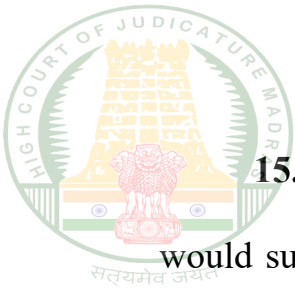
6.Bihari Chowdhary and another vs. State of Bihar and others reported in (1984) 2 SCC 627.

7.Illachi Devi (dead) by Lrs. And others vs. Jain Society, Protection of Orphans India and others reported in (2003) 8 SCC 413.

8.Indian National Congress, through its State Unit vs. Union of India through the Cabinet Secretary and others reported in 2017 SCC OnLine Chh 1628.

9.Road Inc., now known as Trimble Navigation Limited vs. e-Logistics Private Ltd., reported in (2014) 4 MLJ 1.

10.Order of the Division Bench of this Court dated 29.08.2025 in O.S.A. No. 241 of 2022 (Shri Edappadi K. Palanichami vs. Shri. B. Ramkumar Adityan)



15. In response, the learned Senior Counsel, appearing for the applicant would submit that, at the stage of considering an application under Clause 12, the Court is concerned only with the averment in the plaint and whether a substantial part of the cause of action is shown to have arisen within the jurisdiction of this Court. His further contention is that the existence of such objection does not, by itself, require the Court to determine the entire maintainability of the suit while considering leave under Clause 12, particularly when the plaint discloses a substantial part of the cause of action within the jurisdiction of this Court.

16. Heard. Records perused.

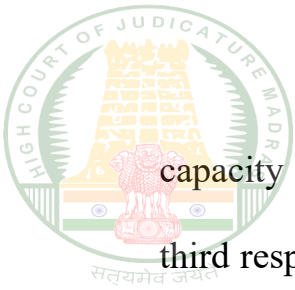
17. Whether the objections raised by the respondents regarding the;

(a) applicability of Section 80 C.P.C;

(b) the capacity in which the respondents are sued; and

(c) the legal status or amenability of third respondent and the locus standi and maintainability of the suit at the instance of the applicant, are to be considered in an application under Clause 12 of the Letters Patent.

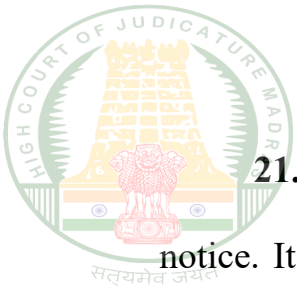
18. The respondents have opposed the application contending *inter alia*, that the proposed suit is a suit for defamation against the Ministers of the Government of Tamil Nadu, and that, they have been impleaded in their official



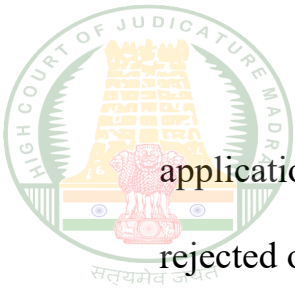
capacity and, therefore, notice under Section 80 CPC is mandatory; that the third respondent is not a juristic entity capable of being sued; that the applicant, being the General Secretary of a political party has no locus to maintain the present suit. It is therefore contended that since the proposed suit itself is not maintainable, leave cannot be granted.

19. This Court is unable to accept the contention of the respondents, at the stage of considering the application under Clause 12. The jurisdiction of this Court in the present application is confined to examining whether the requirements of Clause 12 is satisfied, namely, whether a part of cause of action has arisen within the jurisdiction of this Court and in a case where leave is necessary, whether such leave ought to be granted.

20. The principal objection of the respondents is that the suit is barred for want of 80 CPC notice, since the respondents 1 and 2 are public servants. In the cases cited above, the Court considered the status of a Minister as 'public servant', and that Section 80 CPC is condition precedent. Further, it has held that Section 80 CPC can be dispensed before institution of a suit against Government/ Public Officers under Section 80(2) CPC, where urgent and immediate relief is contemplated.



21. Admittedly, the applicant has not sought for dispensation of 80 CPC notice. It is also not in dispute that the respondents 1 and 2 are Ministers and therefore, public servants. However, Section 80(1) CPC concerns suit against the Government or against a public officer in respect of any act perpetrated to be done by such public officer in his official capacity. That word is important. Therefore, even assuming that the respondents 1 and 2 are public servants, the Court must still consider, whether the alleged defamatory publication, an act done or purporting to be done by the Ministers in their official capacity, which is a separate factual and legal enquiry. The mere fact that the speakers are Ministers does not, without more, answer the question whether the particular impugned act falls within the statutory expression 'in respect of any act'. Therefore, the above referred cases can only support the proposition that the Ministers holds public office and are treated as a public servant for the statutory conduct considered by the Hon'ble Supreme Court. It does not decide that, whenever a Minister is sued in respect of a defamatory statement, Section 80 CPC necessarily bars the suit or absence of Section 80 notice requires dismissal of a Clause 12 application. The said decisions may indicate that a Minister holding public office can fall within the expression 'public servant' in the statutory context considered therein. However, it does not lay down any proposition that a suit alleging defamation against a Minister is, merely by reasons of his holding Ministerial office barred from being instituted within the territorial jurisdiction of a competent civil Court, nor does it lay down that an



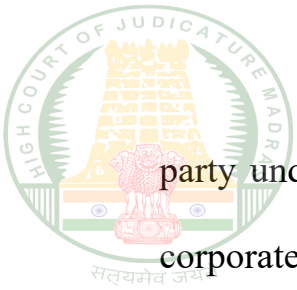
application for leave under Clause 12 of the Letters Patent is liable to be rejected on that ground.

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22. Consequently, the above decisions cannot be treated as authorities for the proposition that the present application for leave under Clause 12 is liable to be rejected merely because the respondents 1 and 2 are Ministers or public servants. The said decisions may be relevant while considering the applicability of Section 80 CPC, but it does not conclude either the question of territorial jurisdiction under Clause 12 or the maintainability of the civil action of defamation.

23. The next objection raised by the respondents is that, the third respondent is not a juristic entity capable of being sued and that the applicant, being the General Secretary of a political party has no locus to maintain the present suit. There can be no dispute that the question as to the legal capacity of the plaintiff to institute the suit and the authority of the person representing it are matters which the Court is entitled to examine.

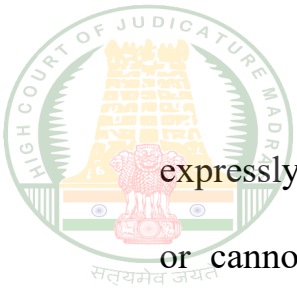
24. However, in the case of *Indian National Congress vs. Union of India*, the High Court of Chhattisgarh dealt with a writ petition instituted by the Indian National Congress, a political party registered under Section 29-A of the Representation of the People Act. The Court held that registration of a political



party under Section 29-A, does not, by itself, incorporate the party as a body corporate or confer upon it a distinct juristic personality. The Court distinguished an incorporated body from an unincorporated association of person and held that registration under the RP Act did not make the congress a juristic person entitled, merely in that capacity, to institute the writ petition under Article 226.

25. The proposed suit in the present case is a civil action for defamation, not a writ petition under Article 226. Therefore, ***Indian National Congress case*** cannot automatically be treated as authority for saying that the suit must be rejected at the Clause 12 stage. If the plaintiff is the political party itself, the defendants may certainly raise the question whether the party has legal capacity to institute the suit and whether the General Secretary is authorised to represent it. But, that is a question of maintainability, legal capacity and authority to sue, which is distinct from a question, whether a substantial part of the cause of action arose within the original jurisdiction of this Court.

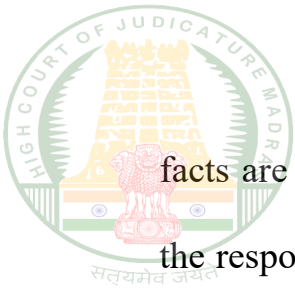
26. Further, in the case of ***Revanth Reddy vs. State of Telangana, 2025 SCC Online TS 575***, the Telangana High Court considered a criminal defamation complaint filed by a political party represented by its General Secretary. The Court first held that a political party can be an “aggrieved person” and can maintain a criminal defamation complaint. Thus, the Court



expressly rejected the argument that the political parties cannot have reputation or cannot initiate defamation proceedings. However, the Court held that a Company or Association can itself be an aggrieved person, but it must be an identifiable group. The Court stated that when an Association itself initiates a criminal defamation proceeding, it must do so through a duly authorised representative. It distinguished the Association from an individual member of that Association. The decision, however, arose in the context of Section 199 of Cr.P.C., and concerned the maintainability of a criminal complaint. It does not lay down a proposition that a political party can under no circumstances institute a civil action for defamation.

27. The maintainability and the capacity of a political party whether it can sue in its own name, whether it has the requisite legal capacity and whether the General Secretary is authorised to institute the suit and whether the plaint has been properly instituted in the name of the party are all maintainability questions left open to the respondents to raise at the appropriate stage.

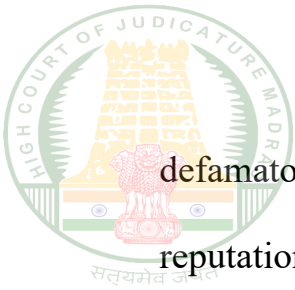
28. In *M/s. Road Inc. now known as M/s. Trimble Navigation Limited vs. M/s. E-logistic Pvt. Ltd.*, the Court emphasised that the factual foundation for Clause 12 jurisdiction, particularly, question concerning where the defendant carries on business and where the cause of action arose, may require proper factual determination and should not be prematurely decided whether the



facts are disputed. The said decision is relevant to the present case in so far as the respondents have raised objections concerning the factual and legal basis of the plaintiff's claim of territorial jurisdiction.

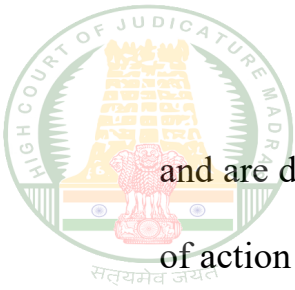
29. However, the present case is a suit for defamation and the jurisdictional basis pleaded by the plaintiff is not confined to the question whether the defendants carry on business within the jurisdiction. The plaintiff relies upon the alleged publication and dissemination of the defamatory material within Chennai and the consequential injury to its reputation within the jurisdiction.

30. Further, the decision in *Jai.Rajkumar* Cases is misplaced. The said decision dealt with the maintainability of a derivative action instituted for the benefit of a corporative debtor, which had entered insolvency and the consequent statutory role of the Resolution Professional. Therefore, it was rendered in the context of a commercial suit in which the Court found on the averments contained in the plaint, the statutory bar under Section 12A of the Commercial Court Act 2015 and consequently, rejected the plaint. The said decision cannot therefore be understood as laying down that every objection relating to maintainability of a suit must necessarily result in rejection of suit or rejection of an application under Clause 12. Moreover, the said principle cannot be mechanically extended to the present proceedings, which arise out of alleged



defamatory publications and in which, the applicant asserts injury to which own reputation. The respondents have relied upon the above decision to say, the political party is an entity without separate 'juristic personality', therefore, the General Secretary cannot maintain a suit. But, the said decision does not lay down a general rule that wherever a plaintiff sues through an office bearer, the suit is non-maintainable unless the office bearers authority is first conclusively established.

31. In *Illachi Devi's Case*, the Hon'ble Supreme Court considered whether a society registered under the Societies Registration Act, 1860, could be treated as a juristic person. The Court held, in substance, that a society registered under the Societies Act does not acquired the status of a corporation or a separate juristic person merely because of its registration. In the present case, the plaintiff is apparently a political party registered under Section 29A of the Representative People's Act, 1951. The respondents should not mechanically equate the statutory consequences of registration under the Societies Registration Act with registration under Section 29A of the R.P Act. Therefore, these authorities do not provide a real basis for the respondents' objection concerning the plaintiff's capacity to suit. Further, 'not a juristic person' should not automatically be equated with 'no legal remedy can be pursued'. Therefore, the authority of the General Secretary and the applicability of Order 1 Rule 8 CPC are matters concerning the maintainability of the suit



and are distinct from the limited question whether a substantial part of the cause of action has arisen within the jurisdiction of the Court under Clause 12.

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32. Therefore, the objections relating to the legal personality of the plaintiff and the authority of its General Secretary if pressed, can be considered at appropriate stage on the basis of pleadings, the constitution and the rules of political party, the resolution or authorisation relied upon by the plaintiffs and the other materials placed before the Court.

33. In a claim founded upon defamation, the place where the defamatory publication is communicated and where the plaintiff alleges that its reputation has consequently been lowered can constitute a material part of the cause of action, subject of course to proof at trial. The applicant has therefore pleaded facts which, if established, would constitute a substantial part of the cause of action within the jurisdiction of this Court.

34. The fact that the impugned material was uploaded or hosted through digital platforms does not, by itself, exclude the jurisdiction of this Court. The applicant's case is not founded merely upon the technical location of the servers or the registered office of the platform operators. The applicant specifically pleads that the publications were accessible in Chennai, were actually accessed by persons in Chennai and that the alleged injury to reputation was suffered



within Chennai. Whether the applicant will ultimately establish the extent of such publication, the number of persons who accessed, the material within Chennai and the resultant injury are matters which can appropriately be determined on evidence. At the present stage, these pleadings are sufficient to constitute a prima facie basis for invoking the jurisdiction of this Court under Clause 12.

35. Therefore, the objection based upon Section 80 CPC is essentially directed against the maintainability of the proposed action against respondents 1 and 2 in their capacity as Public Officers. The present application is for leave to sue respondents 3 to 6 outside the jurisdiction. Whether Section 80 CPC is attracted to the proposed suit, whether any exception under the provision is applicable, whether the respondents are properly described as Public Officers and the consequence, if any, of non-service of notice are matters which can be considered in the suit at the appropriate stage. As discussed above, those questions do not, on the facts pleaded furnish a ground to reject the present application for leave at the threshold.

36. With regard to the objections raised by the 3rd respondent that it has no independent legal personality or capacity to be sued, is a question relating to the Constitution, status and legal capacity of the 3rd respondent. Likewise, the objection that the applicant has not established the authority of its General

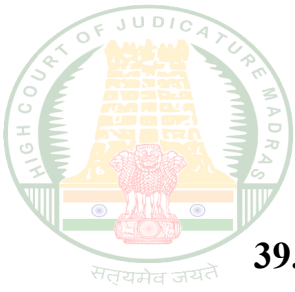


Secretary and the contention based upon Order 1 Rule 8 CPC are questions concerning the maintainability and proper institution of the suit.

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37. The scope of consideration in an application seeking leave under Clause 12 is limited. The Court is required to examine the averments in the proposed plaint and determine whether the plaintiff has disclosed a substantial part of the cause of action within the jurisdiction of this Court. At this stage, the Court is not required to conduct a mini trial or conclusively determine disputed questions concerning the ultimate maintainability of the suit. Thus, the respondents should not be permitted to collapse these distinct issues into one jurisdictional objection. This Court is not inclined to adjudicate those disputed questions finally, while considering an application for leave under Clause 12. If the respondents are able to establish that the 3rd respondent is not a juristic entity or that the suit has not been validly instituted, it is open to them to raise the said objections in the suit. All such contentions are expressly left open.

38. On a consideration of the averments in the proposed plaint, this Court is satisfied that the applicant has pleaded that a substantial and material part of the cause of action arose within the jurisdiction of this Court. The fact that some of the defendants are situated outside the jurisdiction does not, by itself, disentitle the applicant from invoking the jurisdiction of this Court where the requirements of Clause 12 are otherwise satisfied.



39. The decisions relied upon by the respondents concerning Section 80 CPC and the ultimate maintainability of the suit do not require rejection of the present application at this preliminary stage. It is made clear that all the objections raised on the side of the respondents with regard to applicability of Section 80 CPC, the juristic capacity of the 3rd respondent, the authority of the General Secretary to institute the suit, the applicability of Order I Rule 8 CPC, the liability of the respondents 3 to 6 for the alleged publications, the truth or otherwise of the impugned publications, the actual injury to reputation, are left open for consideration in the suit on their own merits.

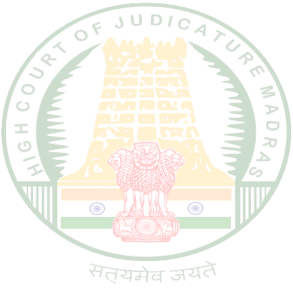
40. In the result, the application is allowed. Leave is granted to the applicant to sue against the Respondents 3, 4, 5,6 /Defendants 3,4,5,6 in the above suit.

05-10-2026

NCC : Yes/No

Index: Yes/No

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