

**O.A.Nos.317 to 321 of 2022**  
**in C.S.Nos.102 of 2022**  
**and O.A.No.325 of 2022**  
**in C.S.No.106 of 2022**  
**and O.A.Nos.327 & 328 of 2022**  
**in C.S.No.111 of 2022**

**KRISHNAN RAMASAMY, J.,**

The above captioned suits have been filed, seeking different prayers and interim prayers therein. Since all the three Suits have been interlinked to each other and similar issues involved, at present, for the purpose of passing interim order, this Court has taken up the matter together and heard the learned respective counsel appearing for the parties.

2.For the sake of convenience, the parties will be hereinafter referred to as per their nomenclature mentioned in C.S.No.106 of 2022.

3.All India Anna Dravida Mnnetrakazhagam (AIADMK)/1<sup>st</sup> defendant/respondent, is a State Political Party, recognized by the Election Commission of India in the State of Tamil Nadu and

Pondicherry. A Notification dated 02.06.2022 has been issued by the said Party, calling for a General Council Meeting to be held on 23.06.2022.

4.In the above said suit all the parties have filed interim applications restraining the 1<sup>st</sup> defendant/respondent from convening the General Council Meeting, to pass agenda and to amend the Bye-Laws of the 1<sup>st</sup> defendant Party and for other reliefs.

5.Mr.G.Rajagopalan, learned Senior Counsel appearing for the applicants/plaintiffs in C.S.No.111 of 2022 would submit that no agenda papers were circulated for the forthcoming General Council Meeting scheduled to be held on 23.06.2022. The respondents are making an attempt to convene the meeting without circulating the agenda of the meeting. He has raised his grievance against the non-circulation of agenda of the General Council Meeting. He would further submit that he has no objection for conducting the General Council Meeting and to

consider the regular business of the meeting but not for business pertaining to the amendment of the Bye-Laws of the 1<sup>st</sup> defendant/respondent party.

6.Mr.P.H.Aravind Pandiyan, learned Senior Counsel appearing for 4<sup>th</sup> defendant would submit that the 4<sup>th</sup> defendant being the Co-ordinator of the 1<sup>st</sup> Defendant Party, has received the Agenda today only and immediately, he approved the same. The learned Senior Counsel also produced a copy of the Agenda before this Court, containing 23 subjects.

7.On noticing the same, the learned Senior Counsel appearing for the plaintiff has reported no objection for conducting the General Council Meeting to be held on 23.06.2022, however, he would vehemently oppose that no resolution for amendment of any Rule 20-A (1) to 13 of the Bye Laws of the 1<sup>st</sup> Defendant Party should be passed and any such amendment would be passed, the very suit itself gets

defeated.

8.Mr.P.S.Ramann, learned Senior Counsel for the plaintiffs C.S.No.102 of 2022 would contend that already on earlier occasion, as many as 12 resolutions were passed and amendments were taken place, even abolishing the post of General Secretary, treating the then General Secretary Dr.J.Jayalalitha as the eternal General Secretary of the Party and in its place, two new posts were created, viz., Cordinator and Joint Cordinator and selected the 3<sup>rd</sup> and 4<sup>th</sup> defendants in the said posts. He would contend that no amendment shall be given effect to which would take away the basic structure of the Constitution of the 1<sup>st</sup> Defendant party. However, as regards the General Council Meeting to be held on 23.06.2022 is concerned, he has also fairly reported no objection, but sought for necessary directions to the concerned, not to pass any resolutions in respect of the amendment of Bye Laws of the 1<sup>st</sup> Defendant Party.

9.Mr.N.G.R.Prasad, learned Senior Counsel, who is also

appearing for the applicants/plaintiffs in C.S.No.102 of 2022 submitted that they have challenged the amendment carried on in the meeting for the year 2017 and 2021. Therefore, he would submit that no further amendments should be taken place in the General Council Meeting and necessary directions may be issued not to pass any resolution in the meeting.

10.In reply, Mr.Vijay Narayan, learned Senior Counsel appearing for the 4<sup>th</sup> defendant/Joint Co-ordinator would submit that during the General Council Meeting held on 12.09.2017, while abolishing the post of General Secretary, the 3<sup>rd</sup> and 4<sup>th</sup> defendants have been elected as Co-ordinator and Joint Co-ordinator unanimously and necessary amendments, viz., Rule 19, 20 and 20-A etc, have also been brought in. He pointed out that even at that time, there was no agenda as regards the creation of posts and electing the 3<sup>rd</sup> and 4<sup>th</sup> defendants has been placed and during the Meeting, the resolution has been passed on the floor of the Meeting. Therefore, as per the wishes of the members of the 1<sup>st</sup>

defendant Party, any resolution can be passed on the floor of the Meeting and it is for the General Council to consider or reject the same. He also pointed out that at no point of time, any prime member of the Party has raised objection or insisted upon the agenda before conducting the General Council Meeting. He would also contend that Court cannot predict what would be going to take place in the General Council Meeting to be held on 23.06.2022 much less any resolution in respect of amendment of Rules and Regulations of the 1<sup>st</sup> Defendant/party and pass interim orders/directions anticipatory in nature. He would contend that the 1<sup>st</sup> defendant/Party being a private party, would not abide by any statute to act upon and if at all any resolution contrary to the Bye-laws are passed in the General Council Meeting, it is always open to all the Members who aggrieved over the same, can take recourse in the manner known to law.

11.Mr.P.H.Aravind Pandiyan, learned Senior Counsel appearing for the 3<sup>rd</sup> defendant/Co-ordinator would contend that without due process, no resolution in respect of any amendment of bye Laws of the 1<sup>st</sup> defendant/Party would passed. While referring to the Agenda approved by the 3<sup>rd</sup> defendant as Co-ordinator of the 1<sup>st</sup> defendant Party, a copy of which was produced before this Court, he would submit that the 3<sup>rd</sup> defendant approved subject matters (23 in number) listed in Agenda, wherein, there is no resolution as regards the amendment of Rules, viz., 19, 20, 20-A, 43, etc., would be passed in the General Council as it is contrary to the Rules and Regulations. He would also submit that Rule 20-A specifically provides the duties and obligations of the Co-ordinator and Joint Co-ordinator and all along for the past five years, both the 3<sup>rd</sup> and 4<sup>th</sup> defendants have been functioning effectively and there is no need to amend any of the Rules. He also pointed out that Rule 45 empowers the Co-ordinator and Joint Co-ordinator to make alterations to any of the Rules and Regulations of the Party, i.e. Rules 1 to 44. Therefore, when the Co-ordinator and Joint Co-ordinators being

elected unanimously and looking after the affairs of the party till now, the so-called amendment if at all proposed by way of resolution on the floor of the General Council Meeting, the 3<sup>rd</sup> defendant, being Co-ordinator has every power to act upon and any such resolution if passed, the same cannot be given effect to. Therefore, the learned Senior Counsel would submit that while the General Council Meeting can go on, but this Court may observe that no resolution in respect of amendment of any Rule or Bye Law should be passed.

12. Heard the learned respective counsel appearing for the parties. Perused the entire materials available on record.

13. This Court, upon hearing the learned respective counsel and on going through the entire record, finds that all the parties have reported no objection for conducting the General Council Meeting to be held on 23.06.2022, however, the learned counsel appearing for the plaintiffs and 3<sup>rd</sup> defendant/Co-ordinator would strongly oppose to passing of any



resolutions on the floor of the Meeting regarding amendment of the Rules and Regulations of the 1<sup>st</sup> Defendant/Party, mainly, abolishing the posts of Co-ordinator and Joint Co-ordinator as it would cause great prejudice to them. None of the parties have made any prima facie case for grant of interim orders. In fact, the plaintiffs have come forward with the applications seeking interim directions based upon their apprehension that resolutions may be passed in respect of amendment of the Rules and Regulations of the 1<sup>st</sup> Defendant/Party. This Court, cannot imagine what would be going to take place during the General Council Meeting held on 23.06.2022 and issue interim orders/directions in advance. In fact, it is well settled that in matter of internal issues of an association/Party, the Courts normally do not interfere, leaving it open to the association/party and its members to pass resolutions and frame a particular bye-law, rule or regulation for better administration of the Party since any decision comes forth among the Members of the General Council, it is well within their collective wisdom and this Court cannot insist the Members to act upon in a particular manner. It is for the

General Council and its members to decide and pass resolutions and this Court cannot interfere with the process of conducting the General Council Meeting. Therefore, this Court is not inclined to pass any interim orders/directions, except making it clear that the General Council Meeting which is scheduled to be held on 23.06.2022 shall go on.

Issue Notice to the respondents returnable by 11.07.2022. Private notice is also permitted.

List the matters on 11.07.2022.

suk/rst

22.06.2022

**Note:** Issue Order Copy Today

**KRISHNAN RAMASAMY, J.,**

suk

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