



IN THE XIII ASSISTANT CITY CIVIL COURT AT CHENNAI

PRESENT: Sri. M. DHARMAPRABU, M.A., M.L.,

XIII Assistant Judge

Thursday, the 26th day of March 2026

I. A. No. 11 of 2026 and I. A. No. 12 of 2026 in O. S. No. 664 of 2026

M/s. Pattali Makkal Katchi,

Rep. by its Founder and President Dr. S.Ramadoss,

No. 63, Nathumuthu Naicken Street,

Vanniya Teynampet, Chennai 600 018.

... Petitioner/Plaintiff

-Vs-

1. The Election Commission of India,

Rep. by its Secretary, Election Commission,

Nirvachan Bhavan, Ashoka Road,

New Delhi.

2. Chief Electoral Officer,

Secretariat, Fort St., George,

Chennai 600 009.

3. The District Collector,

No. 62, Rajaji Salai, George Town,

Chennai 600 001.

4. R.Anbumani,

No. 16, 1st Main Road, 3rd Avenue,

Sea Shore Town, ECR, Panniyur,

Chennai 600 119.

.... Respondents/Defendants

AND



IA No. 13 of 2026 and IA No. 14 of 2026

in

IA. No. 11 of 2026 and IA. No. 12 of 2026 in O. S. No. 664 of 2026

M/s. Pattali Makkal Katchi,

Rep. by its State General Secretary,

Mr. Vadivel Ramanan, No. 10,

Thilak Street, T.Nagar,

Chennai 600 017.

... Petitioner/3rd Party/3rd Party

-Vs-

1. M/s. Pattali Makkal Katchi,

Rep. by its Founder and President Dr. S.Ramadoss,

No. 63, Nathumuthu Naicken Street,

Vanniya Teynampet, Chennai 600 018.

...1st Respondent/Petitioner/Plaintiff

2. The Election Commission of India,

Rep. by its Secretary, Election Commission,

Nirvachan Bhavan, Ashoka Road,

New Delhi.

3. Chief Electoral Officer,

Secretariat, Fort St., George,

Chennai 600 009.

4. The District Collector,

No. 62, Rajaji Salai, George Town,

Chennai 600 001.

5. R.Anbumani,

No. 16, 1st Main Road, 3rd Avenue,

Sea Shore Town, ECR, Panniyur,

Chennai 600 119.

.... Respondents 2 to 5/Respondents 2 to 5 /Defendants



Appearance:

Sri. S.Prabhakaran, Senior Counsel for M/s. V.Archana, R.Sangeetha, S.Bakkiyalakshmi, A.Thulasi Raman, V.Anitha, V.S.Gopu, S.Mahaveer Shivaji, S.Sivakumar, and S.Balamurugan, for the Plaintiff.

Sri. N.L.Rajah, Senior Counsel for M/s.R.Silambarasan, A.M.Nataraj, P.Ramamoorthy, K.Vijayakumar, S.Nandhakumar, for Implead Petitioner

Smt. Chitra Sampath, Senior Counsel for M/s. K.Balu, T.S.Baskaran, M.R.Elavarasan, and V.Sivaraman for the 4th Defendants

Sri. M/s. G.R.Associates, Niranjana Rajagopalan, and Tarun Rao Kallakuru, for the Election Commission of India and the Chief Electoral Officer

COMMON ORDER

It is a matter of record that the Hon'ble High Court of Madras, in C.R.P. No. 1530 of 2026 was pleased to grant interim stay on 17.03.2026 till 10.05.2026 having regard to the fact that the election process having been contemplated. However, the Plaintiff, aggrieved by an Order of the Hon'ble High Court in Writ Petition in W.P. No. 6719 of 2026 seeking direction against the Election Commission of India to freeze the symbol 'Mango' which was dismissed on 20.02.2026 preferred a Special Leave Petition in S.L.P. (C) No. 9877 of 2026 in which the Hon'ble Supreme Court was pleased to direct the Plaintiff hereing to file appropriate application before this Court and also granting liberty to the Implead Petitioner to raise all the contentions



before this Court that resulted in the reopening of the matter for the limited purpose of deciding these Petitions keeping in mind of the Hon'ble Madras High Court's Stay order in the above Writ Petition.

2. These Interlocutory Applications arise in the above suit and are taken up together for consideration since the issues involved in them are interconnected. The applications relate to certain interim reliefs sought in the context of the forthcoming General Assembly Election and the allotment of an electoral symbol. Having regard to the nature of the controversy and the submissions made on either side, this Court proceeds to consider the applications.

3. I.A. No. 11 and 12 of 2026 have been filed by the Plaintiff seeking interim reliefs in relation to the allotment of the electoral symbol "Mango" in connection with the forthcoming General Assembly Election.

4. I.A. No. 13 and 14 of 2026 have been filed by third party seeking to implead himself in the aforesaid interlocutory applications. The applicant therein claim to be the General Secretary of the Pattali Makkal Katchi (in Short, 'PMK') and seek to support the stand taken by the 4th Defendant with regard to the use of the said symbol. Since the relief sought in the impleading petitions is only to enable the applicants to participate in the hearing of the interlocutory applications, the impleading petitions are first taken up for consideration.



5. For the sake of convenience, the Petitioner in I.A. No. 11 and 12 of 2026 will be referred to as ‘the Plaintiff’ or ‘the Founder’ and the Petitioner in I.A. No. 13 and 14 of 2026 will hereinafter be referred to as, ‘the Implead Petitioner’ and whenever required, the other parties will be referred to as per their nomenclature in the suit.

6. Shorn of unnecessary facts, Crux of the Petitions in I.A. No. 13 & 14 of 2026 is that the Implead Petitioner is the General Secretary of the PMK holding the post since 2010. The Common Affidavit filed by the Plaintiff in support of I.A. No. 11 and 12 of 2026 was neither a sworn statement nor a sworn affidavit taking any responsibility for the allegation in the said affidavit. As per the Bye-Laws, the Founder has no administrative authority to represent the party in the legal proceedings. Without impleading the Implead petitioner, the suit has been filed and so I.A. No. 9 of 2026 was filed and since the Court proceeds with other applications in the suit, the Implead Petitioner preferred C.R.P. No. 1530 of 2026 before the Hon’ble High Court in which the Hon’ble High Court, by order dated 12.03.2026, was pleased to grant interim stay till 10.04.2026. Subsequently, on 17.03.2026, the Hon’ble High Court was pleased to dispose of the said Civil Revision directing this Court to decide the matter on or after 10.05.2026 and not prior to that having regard to the fact that the election process has been ignited.



6.1. Further, according to the Implead Petitioner, the Founder filed a W.P. No. 3418 of 2026 challenging the Symbol allotment order dated 30.07.2025 and later withdrew the same and filed the suit suppressing the same. He filed a Writ Petition in W.P. No. 6719 of 2026 seeking direction against the Election Commission of India to freeze the symbol 'Mango' which was dismissed on 20.02.2026 leaving the parties to work out the relief before the pending civil case. Challenging the same, the Founder filed a Special Leave Petition in S.L.P. (C) No. 9877 of 2026 in suppression of the above order of the Hon'ble High Court dated 17.03.2026 in which the Hon'ble Supreme Court was pleased to direct the Founder to file appropriate application before this Court and also granting liberty to the Implead petition to raise all the contentions before this Court.

6.2. It is the furtherstand of the Implead Petitioner that the the Founder filed the I.A. No. 11 and 12 of 2026 before the Court at 04.45 p.m., after the filing time 03.30 p.m., and therefore this Court is not bound to decide the matter in the time limit fixed by the Hon'ble Supreme Court. Moreover, pending suit, the Election Commission notified the Assembly election on 15.03.2026 and the election process has been commenced in both Puducherry and Tamil Nadu and the date of Poll was fixed for the Former on 09.04.2026 and for the Later on 23.04.2026. Therefore, no orders could be passed in a manner that interferes with the election process which is the settled proposition of law.



6.3. It is further stated that the 4th Defendant being the President of the PMK was elected as a Member of Rajya Sabha, 2026 as per the documents presented to the Election Commission of India. For Puducherry, scrutiny of nomination was held on 24.03.2026 and all the nomination applications filed by the PMK were accepted by the Election Commission and the 4th Defendant as the President signed all the forms in his authority and the Returning Officer passed an order rejecting the objection of on the nominations.

6.4. Adding further, the Implead Petitioner stated that the PMK is governed by its registered Bye-Laws and the rules were framed in 1989 and amended was carried out in 1995 and the same were submitted to the Election Commission of India. No amendment was made for 31 years. The Rule 13 of the Bye-Laws explicitly provides for the invitation of the Founder to the Meetings of the State General Council, Executive Committee and Political Leadership Committee for guidance and the Founder has no power to appoint or remove the office bearers or to exercise administrative control over the Party. However, the Founder, along with the Suit, filed so-called bye-laws with various alterations, additions and interpolations.

6.5. Further according to the Implead Petitioner, the Complaint refers to 'Special Administrative Committee' which is not provided for under the Bye-Laws and therefore any decision taken by such a body is invalid and null and void. A Writ Petition in W.P. No. 30170 of 2025 was filed by one Murali Shankar claiming to be



the General Secretary of the PMK seeking the Government not to permit the General Body Meeting proposed by the Implead Petitioner where Bye-Laws was filed which varies with the Bye-Laws filed by the Founder along with the Plaint, that too, by the Founder which is not maintainable on the face of the existing Bye-Laws. Therefore, according to the Implead Petitioner, the reliefs sought in I.A. No. 11 and 12 of 2026 would directly affect the right of the Implead Petitioner as the General Secretary of the PMK, the petitions are filed to implead the Implead Petitioner as a party.

7. The learned Senior Counsel for the Plaintiff reported that he has no serious objection in impleadment of the Implead Petitioner since it was the liberty given to him by the Hon'ble Supreme Court.

8. Having considered the rival submissions, this Court finds that the dispute in the present suit concerns the administration and leadership of the political party itself. The applicants claim to be office bearers of the said party and seek to place their submissions before this Court in support of the stand taken by the 4th Defendant.

9. In such circumstances, this Court is of the view that the presence of the applicants may assist the Court in effectively adjudicating the issues arising in the interlocutory applications. However, it is necessary to clarify that the question as to who is the lawful office bearer of the party is itself a matter in dispute in the suit, and the same will be decided only at the time of trial. Therefore, the impleadment of the



applicants shall not be construed as recognition of their status or authority within the party.

10. It is further made clear that these implead Petitions are being allowed by this Court only for the limited scope for the consideration for deciding the I.A. No. 11 and 12 of 2026 and this Court is conscious of the fact that the I.A. No. 9 of 2026 is pending before this Court for the impleadment of the Implead Petitioner in the suit which will have to be decided on its own merits after the stay period fixed by the Hon'ble High Court is vacated and that the Implead Petitioner cannot take advantage of any of the above observations made by this Court for the decision of the said I.A. No. 9 of 2026.

11. Accordingly, **I.A. No. 13 and 14 of 2026 are allowed**, and the Implead Petitioner is impleaded as **Respondent No. 6** in the respective interlocutory applications for the limited purpose of participating in the hearing of the said applications. Necessary amendment shall be carried out by the Registry in the said I.A. No. 11 and 12 of 2026.

12. Next aspect is to decide the I.A. No. 11 and 12 of 2026 filed by the Plaintiff as to the 'symbol' allotted to the Election Commission of India in favour of the Party.

13. According to Sri.S.Prabhakaran, learned Senior Counsel for the Plaintiff, the PMK was founded on 16.07.1989 by Dr.S.Ramadoss and it has a long political



history in the State of Tamil Nadu. It has its own representatives such as MLAs, MPs, Counsellors for serving the people. It has its own bye-laws and General Secretary, Treasurer and other key office bearers for the parent body duly elected/nominated by the competent body as per the bye-laws. It enables the Party to have meetings of the Chief Administrative Committee, State Executive Committee and State General Body for appointing the office bearers with the guidance of the Founder/President of the party namely Dr.S.Ramados. The practice of appointing President, General Secretary, Treasurer and other office bearers were normally done for a period of 3 years under the guidance and advice of the Founder Dr.S.Ramados as per the rule 13 of the bye-law. The 4th Defendant was the former President of the Party appointed by the Founder on 28.05.2022 for a period of three years till 28.05.2025 and his tenure was expired on 28.05.2025.

13.1. He further contended that the Special Administrative Committee was convened on 09.04.2025 and it was resolved that under the tenure of the 4th Defendant as the President, the name and popularity of the party was not upto the mark and so it was further resolved to elect New President and office bearers for the welfare of the party and Dr.S.Ramados was requested to be the President and the 4th Defendant was nominated as the Executive President for the next tenure from 30.05.2025 and the same was accepted by the Founder for the welfare of the party.



13.2. He further contended that on 10.04.2025, the Special Administrative Committee decided that the Founder Dr.S.Ramadoss will be the next President and the 4th Defendant was nominated as the Executive President. The Party High Level Committee has unanimously nominated the Founder Dr.S.Ramadoss as the New President from 29.05.2025 as the tenure of the 4th Defendant expired and on 30.05.2025, Dr.S.Ramadoss took charge of the President of the PMK. On 30.05.2025, 26.06.2025, 30.06.2025 and 04.07.2025, the assumption of the office of the new President and office bearers were informed to the 1st Defendant.

13.3. The learned Senior Counsel for the Plaintiff further hammered that on 05.07.2025 and 08.07.2025, the Administrative Committee and Executive Committee meetings were convened in which the above decisions were approved. On 12.08.2025 also, the same was intimated to the 1st Defendant. The High Level Committee received various communications and complaints about the illegal and misdeeds of the 4th Defendant. On 17.08.2025, the Disciplinary Committee approved action against the 4th Defendant and others. On 18.08.2025, Explanation was called for from the 4th Defendant and the time was extended till 10.09.2025 by decision on 03.09.2025. However, the 4th Defendant failed to reply and so on 11.09.2025, the 4th Defendant was removed from the Post of the Executive President and primary membership of the party. It was also notified to the 1st Defendant on 15.09.2025 and 17.09.2025. On 24.09.2025, letter for change of office bearers and communication address was also send to the 1st Defendant.



13.4. He further argued that Dr.S.Ramadoss is functioning as the President from 30.05.2025. While so, the Plaintiff received information that the expired office bearers of the Party along with the 4th Defendant requested the extension of the tenure till 01.08.2026 which is reportedly acceded by the 1st Defendant which is quite illegal. The 4th Defendant has no *locus standi* to convene general body meeting on 09.08.2025 without consent and approval of the Founder and President Dr.S.Ramadoss as per the rule 13 of the Bye-laws. Fraudulently, the communication address was given to be the 4th Defendant's address to the 1st Defendant without approval of the Party and the communication dated 30.07.2025 was issued to the 4th Defendant's address allotting 'mango' symbol to the party. Various communications sent by the Plaintiff to the 1st and 2nd Defendant ended in vain.

13.5. He also submitted that Dr.S.Ramadoss was appointed as the State President of the PMK for the first time as the party needed special attention to get re-recognition for facing the ensuing Assembly elections of 2026. However, the acts of the 1st Defendant are denying the legitimate right of Dr.S.Ramadoss and indirectly helping the 4th Defendant who tenure was over by 28.05.2025. On 06.10.2025, the Honorary President Mr.G.K.Mani, MLA submitted a detailed communication to the 2nd Defendant however, no response was given by the Defendants 1 and 2. The 1st Defendant ought not to have accepted the request of the 4th Defendant for extension of tenure till 01.08.2026. The communication dated 09.09.2025 and 27.11.2025 are baseless and the same were sought to be quashed by the Hon'ble Delhi High Court



vide Writ Petition in W.P. No. 18311 of 2025 wherein it was held that the 1st Defendant has no authority or powers to decide about the internal dispute over the claim and the same will have to be decided only by competent Civil Court. Copy of the Bye-laws dated 16.07.1989 is produced by the Plaintiff. Along with the above document, various communications by the Plaintiff were produced by the Plaintiff along with the Plaint.

13.6. The learned Senior Counsel further referred to the allotment order of the Election Commission was without taking into account of the rival fiction and that the Election Commission has no power to decide the dispute of rival disputes between the Party as also held by the Hon'ble Delhi High Court and sought for the reliefs as prayed for since it would only cause confusion in the mind of the People in the Election and that the Plaintiff is going to appoint candidates in all the consituencies where there may be a rival competition between the Plaintiff's candidates and the 4th Defendant's candidates.

14. Sri.N.L.Rajah, learned Senior Counsel for the 6th Respondent i.e., the Implead Petitioner heavily come down in the manner in which the so-called Affidavit was drafted by the Plaintiff. He placed reliance upon various decisions of the Hon'ble Supreme Court and High Courts to hold that it is nothing but a paper which has no declaration or affirmation and drawn attention also the General Clauses Act and Rules of Practice. He also contended that the applications are not maintainable on the



ground that the so-called common affidavit filed in support of the applications is neither a sworn affidavit nor a sworn statement and that no person has taken responsibility for the allegations contained therein.

14.1. He further contended that the Plaintiff conveniently filed various cases before various Courts and at the last moment, to create pressure, filed the present suit before the Court though there was an order of the Hon'ble Mr. Justice N. Anand Venkatesh on 08.08.2025 and on 20.02.2026 by the Hon'ble Division Bench of Madras High Court. He also referred to other two Writ Petitions filed by the Plaintiff for same or similar reliefs.

14.2. He further argued that the Hon'ble Madras High Court in W.P. No. 71808 of 2026, it was observed that the disputes can be decided subject to the decree as may be passed in the present suit that would only imply that final outcome of the suit as defined under Section 2 (2) of the Code and not by way of orders even in these applications. He finally contended that the letter for change of address cannot be said to be a fraudulent document and it was statutory mandate under Section 29A of the Representation of People Act, 1951, that too, by the 4th Defendant during his tenure period. He further submitted that the documents referred to by the Plaintiff are self-serving documents. He finally submitted that the election process has been started and therefore it is not proper for this Court to interfere with the same and sought for dismissal of the petitions.



15. Smt.Chitra Sampath, learned Senior Counsel appearing for the 4th Defendant submitted that the 4th Defendant is the duly elected President of the PMK. Mr. Vadivel Ramanan is the State General Secretary, Mrs. Thilagabama is the Treasurer by virtue of State General Council's election and they are holding the above posts from 28.05.2022. Lastly, the State General Council was convened on 09.08.2025 by Mr.Vadivel Ramanan, State General Secretary and it was resolved to extend the tenure of the office bearers till 01.08.2026.

15.1. She further submitted that the Civil Court has no jurisdiction to decide the correctness or otherwise of the decisions of the Election Commission of India which has the constitutional powers under Articles 324 and 329 of the Constitution of India. She also referred to Section 170 of the Representation of the People Act that no court shall have jurisdiction to question the legality of any action taken or of any decision given by the returning officer or by any other person appointed under this Act in connection with an election.

15.2. She further highlighted that the Plaintiff as seen from the Plaint, by itself, is a party and the relief of declaration appears to be confusing and that the Founder ought to have arrayed himself in individual capacity to claim such a declaration that he is the President. She further contended that there is no provision in the Bye-Law that the Founder has powers to self proclaim himself as the President and that the Founder is only a guiding figure of the Party.



15.3. She further submitted that the communication of change of Address by the 4th Defendant to the Election Commission of India was only a statutory compliance and that the communications dated 23.09.2025 by the Plaintiff (document No. 22) as though the address furnished by the 4th Defendant was closed and sought for change of address was *malafide*.

15.4. She further argued that there is no proof of service was filed for the alleged communications by the Plaintiff as referred to in his arguments and the Plaint. There is no materials to suggest that the Plaintiff was proclaimed as the President of the Party by any meeting as required under the Bye-Laws. She further argued that the Election Commission has given concession as provided under paragraphs 10A and 10B to the 4th Defendant upon proper application and that such allotment is only to the party and not to any individual as claimed by the Plaintiff.

15.5. She further argued that the Founder Dr.S.Ramadoss is about 87 years and is not in a position to make administrative decisions due to his age related medical conditions. Taking advantage of his conditions, small fringe group of persons joined together and misled him acting detrimental to the interest of the party thereby on 10.04.2025, Dr.S.Ramadoss declared unilaterally that he is the President of the PMK. The above acts were widely published in various print and electronic media. The above unilateral declaration has no absolute legal sanctity under the bye-laws of the Party not binding upon the party. According to the Bye-Laws, the Founder has the



advisory and guiding role and he does not have any other authority or veto power to override decisions of the State General Council. The State General Council is the Supreme body as per the Bye-laws.

15.6. Therefore, she contended that the suit filed by the Founder Dr.S.Ramados seeking for various reliefs is *per se* not maintainable. There is no cause of action for the suit. The entire claim of the Plaintiff is founded upon the assumption that the Founder of the Party has the authority to declare himself as the President which is contrary to the rules 13, 15 and 16 of the bye-laws. She also took me to various provisions of the Bye-Laws and contended that no such authority was given to the Founder and sought for dismissal of the Petitions.

16. The learned Counsel for the Election Commission of India submitted that the Election Process has been initiated by the Election Commission and the allotment of symbol is within the domain of the Election Commission and is intrinsic part of the election process and therefore he contended that any order passed by this Court would only make interference with the ongoing election proceedings and sought for dismissal of the Petitions.

16.1. He fairly argued that the allotment of Symbol is not a matter of right and it was a right in *rem* and that the Election Commission of India has nothing to do with the internal disputes in the Party and that it is open to the parties to seek for free



symbol as per the Election Symbol Order, 1968. He also made his stand very clear that the Election Commission has no interest on any sides of the rival faction.

17. I have carefully considered the rival submissions made by the Counsel appearing for the parties. Anxiously perused the entire records.

18. It is not in dispute that the PMK was founded on 16.07.1989 by Dr.S.Ramadosh and it has a long political history in the State of Tamil Nadu and that it has/had its own representatives such as MLAs, MPs.

19. At the outset, this Court deems it appropriate to examine the maintainability and evidentiary foundation of the interlocutory applications. A serious objection has been raised by the learned Senior Counsel appearing for the Implead Petitioner with regard to the nature of the affidavit filed in support of I.A. Nos. 11 and 12 of 2026. It is seen that the document filed in support of the applications is styled as Common affidavit and bears the signature of the Plaintiff. The attestation clause at the end also records that the contents were solemnly affirmed at Chennai before the attesting authority. Though the body of the affidavit has been drafted in the **‘third person’** stating that “the petitioner states as follows”, which resembles the form generally adopted in pleadings, the fact remains that the document has been signed by the petitioner and affirmed before the competent authority. Therefore, the contention that the applications are unsupported by a sworn statement cannot be accepted.



19.1. The use of the third person expression in the body of the affidavit does not, by itself, render the document unsworn or absolve the petitioner of responsibility for the statements contained therein. The substance of the document indicates that the petitioner has affirmed the contents on oath and has taken responsibility for the averments made therein. At the most, the defect pointed out by the respondents relates to the **manner of drafting or form of the affidavit and not to the existence of the affirmation itself**. Such a defect is essentially curable and cannot, by itself, render the applications non-maintainable.

19.2. Nevertheless, it is necessary to observe that an affidavit, by its very nature, is a statement made by a deponent on oath and is expected to be framed in the ‘**first person**’ so as to clearly indicate that the deponent is affirming the truth of the statements made therein. The present affidavit appears to have been drafted in the style ordinarily adopted for pleadings. Though this Court has treated the defect as one relating to form rather than substance, parties and counsel are expected to exercise due care while drafting affidavits so that unnecessary technical objections of this nature are avoided.

20. It is also not in dispute that the election process has already commenced pursuant to the notification issued by the Election Commission of India. The schedule for polling has been fixed and, in certain constituencies, even the stage of scrutiny of nominations has been completed.



20.1. It is a settled principle of law that once the election process has begun, Courts should exercise extreme circumspection and ordinarily refrain from passing orders which may interfere, interrupt, or stall the electoral process. This principle is rooted in public interest to ensure that democratic processes are not derailed by interlocutory judicial interventions.

20.2. At the same time, it is to be noted that the Hon'ble Supreme Court, while disposing of the Special Leave Petition, has granted liberty to the parties to approach this Court and directed that appropriate applications be considered. Therefore, this Court cannot decline to examine the present applications altogether.

20.3. However, such consideration must necessarily be confined within the well-established parameters governing the grant of temporary injunction under Order XXXIX Rules 1 and 2 of the Code, namely:

- (i) existence of a *prima facie* case,
- (ii) balance of convenience, and
- (iii) likelihood of irreparable injury.

20.4. Insofar as the *prima facie* case is concerned, the entire claim of the Plaintiff rests upon the assertion that the Founder has assumed the office of President of the Party by virtue of resolutions allegedly passed by certain committees, including the so-called "Special Administrative Committee."



20.5. However, the very existence, validity, and authority of such committees are seriously disputed by the Defendants. It is their categorical stand that the Bye-Laws of the Party do not recognize any such body and that the Founder has only an advisory role without administrative control. Similarly, the Plaintiff alleges that the 4th Defendant ceased to hold office upon expiry of his tenure and was subsequently removed, whereas the Defendants contend that the tenure was validly extended by the competent body, namely the State General Council. These rival claims involve disputed questions of fact and interpretation of the Bye-Laws, which cannot be conclusively adjudicated at the interlocutory stage.

21. The question regarding the correctness or otherwise of the alleged amendments to the Bye-Laws, as relied upon by the Plaintiff, also assumes significance. The Defendants have specifically alleged that the Bye-Laws produced by the Plaintiff contain interpolations and are not the registered or recognized Bye-Laws of the Party. Determination of the authenticity, validity, and binding nature of such Bye-Laws would require a detailed examination of evidence, which is a matter for trial.

21.2. Equally, the manner in which the Plaintiff claims to have assumed the office of President and the legality of such assumption are seriously contested. The Plaintiff relies upon internal resolutions and communications, whereas the



Defendants dispute both the authority of the bodies passing such resolutions and the procedural compliance with the Bye-Laws.

21.3. On the other hand, the 4th Defendant asserts continuity in office based on a resolution of the State General Council extending the tenure. Whether such extension is valid or otherwise is again a matter requiring adjudication on evidence.

21.4. As rightly submitted by the learned Senior Counsel for the 4th Defendant, the Plaintiff had not filed any documents to show that there was any such General Body Meeting to select or elect the Founder himself to the President of the Party or that the Bye-Laws were duly amended by enabling the President to conquire more powers to him in the Party.

22. Insofar as the role of the Election Commission of India is concerned, it is evident that the allotment of symbols is part of the electoral process governed by the Election Symbols (Reservation and Allotment) Order, 1968. No doubt, the Election Commission exercises powers under Article 324 of the Constitution of India, and its actions in relation to elections are further insulated by Article 329, which bars judicial interference in electoral matters except by way of an election petition. Further, Section 170 of the Representation of the People Act, 1951, also restricts the jurisdiction of civil courts in matters connected with elections.

22.1. The consistent stand of the Election Commission is that it does not adjudicate internal disputes of political parties but proceeds on the basis of materials



placed before it for the limited purpose of symbol allotment. Therefore, any direction sought by the Plaintiff which would have the effect of restraining or altering the allotment of an electoral symbol at this stage would inevitably impinge upon the ongoing election process.

22.2. Such an order, if granted, would not only disturb the level playing field among candidates but may also create confusion among the electorate, which is against public interest. In the light of the above discussion, this Court finds that the Plaintiff has not established a clear *prima facie* case. The balance of convenience lies in allowing the election process to proceed unhindered and no irreparable injury would be caused to the Plaintiff, as the rights of the parties can always be adjudicated at the time of trial and appropriate relief can be granted thereafter, if warranted.

23. It is made clear that all observations made herein are only for the purpose of deciding these interlocutory applications and shall not prejudice the rights of the parties at the time of trial. The following issues, among others, are left open for adjudication:

- (a) The validity and binding nature of the Bye-Laws relied upon by the parties;
- (b) The legality of the alleged amendments, if any;
- (c) The authority of the Founder *vis-a-vis* the administrative structure of the Party;
- (d) The validity of the extension of tenure of the 4th Defendant; and



(e) The entitlement of the rival factions to represent the Party.

23.1. In view of the foregoing discussion, this Court is of the considered opinion that the Plaintiff has failed to satisfy the *prima facie* case, the balance of convenience, and irreparable injury would be caused to him if the reliefs sought are declined at this stage. While arriving at such a decision, this Court also takes note of the fact that the Plaintiff, in these petitions, seek for freezing of the 'Symbol' and staying of the allotment of the 'Symbol' to the Plaintiff's Party himself. On the contrary, any interference at this juncture would have the effect of disrupting the ongoing election process, which this Court is not inclined to do.

24. Therefore, this Court is of the view that the I.A. No. 11 and 12 of 2026 are liable to meet the fate of dismissal. It is further made clear that, if permissible in law, it is open to the Plaintiff to approach the Election Commission of India by way of an appropriate representation. This Court has not expressed any opinion on the merits of such representation, and it is for the said authority to consider the same, if so made, strictly in accordance with law.

25. Result:

In the long-run,

(a) the I.A. No. 13 and 14 of 2026 are allowed, and the applicants are impleaded as Respondent No. 6 in the respective interlocutory applications.



Necessary amendment shall be carried out by the Registry in the said I.A. No. 11 and 12 of 2026.

(b) I.A. No. 11 and 12 of 2026 are dismissed.

(c) It is open to the Plaintiff to approach the Election Commission of India to seek for revocation of Concession, if it is legally permissible, since it is the exclusive domain of the Election Commission of India.

(d) There shall be no order as to Costs.

Partly Dictated to the Steno-Typist, corrected, computerized by me in the Computer and pronounced by me on this the 26th day of March 2026.

**XIII Assistant Judge,
City Civil Court, Chennai.**

Annexure : NIL

**XIII Assistant Judge
City Civil Court, Chennai.**



Common Draft/Fair Order

I.A.No. 11 to 14/ 2026

in

O.S.No. 664/2026

Dated: 26.03.2026

XIII Assistant Court