

ITEM NO.15

COURT NO.1

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos. 12784-12785/2022

(Arising out of impugned final judgment and order dated 11-07-2022 in OA No. 370/2022 & OA No. 379/2022 passed by the High Court of Judicature at Madras)

P. VAIRAMUTHU (A) AMMAN P. VAIRAMUTHU

Petitioner(s)

VERSUS

ALL INDIA ANNA DRAVIDA MUNNETRA KAZHAGAM & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.100369/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.100366/2022-EXEMPTION FROM FILING O.T. and IA No.100368/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(C) No. 12782/2022 (XII)

(FOR ADMISSION and I.R. and IA No.100359/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.100356/2022-EXEMPTION FROM FILING O.T., IA No.100358/2022-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.100355/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-07-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE KRISHNA MURARI

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. Prashant Kumar, AOR

Mr. Joseph P., Adv.

Mr. Guru Krishna Kumar, Sr. Adv.

Ms. P. Rajalakshmi, Adv.

Mr. Goutham Shivshankar, AOR

Mr. Adit Jayeshbhai Shah, Adv.

For Respondent(s)

Mr. Rakesh Dwivedi, Sr. Adv.

Mr. Vinodh Kanna B., AOR

Mr. V. Purushothaman Reddy, Adv.

Mr. Eklavya Dwivedi, Adv.
Mr. Aakriti, Adv.

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

1. Exemption applications are allowed.
2. Heard learned Senior Advocates for the parties at considerable length.
3. From the record, it appears that some of the parties to the underlying dispute pending before the High Court of Madras, filed Special Leave Petitions, being Special Leave Petition (C) No. 11237 of 2022, Special Leave Petition (C) No.11578 of 2022 and Special Leave Petition (C) No. 11579 of 2022, before this Court. These petitions were listed before this Court on 06.07.2022, when this Court passed certain directions, *inter alia*, relating to the meeting of the General Council of respondent no. 1 to be conducted on 11.07.2022.
4. The petitioners presently before this Court filed civil suits challenging, *inter alia*, holding of the meeting of the General Council of respondent no. 1 dated 11.07.2022 and sought interim reliefs in the pending suits. However, *vide* the impugned order, rather than adjudicating on the interim reliefs, it appears that the learned Single Judge of the High Court of Madras has not adjudicated upon the reliefs sought. Rather, the learned Single Judge held as follows:

"11. Having heard the learned counsel for parties, this Court finds considerable force in the contentions put forth by the learned Senior counsel for the respondent/defendant. At the outset, it is pertinent to note that the Hon'ble Supreme Court has in unequivocal terms, observed that the Meeting of the General Council of the respondent No.3 slated to be held on 11.07.2022 is concerned, the same may proceed in accordance with law. Therefore, having regard to the direction of the Hon'ble Supreme Court, this Court cannot take a contrary

decision by interpreting the same as technically projected by the learned Senior counsel for the applicants, stating that if the applicants make out a prima facie case that the General Council meeting is not in accordance with law, this Court can very well interfere and override the direction of the Hon'ble Supreme Court and pass orders injuncting the respondents/defendants from convening the meeting. This Court is unable to fortify the contention put forth by the learned Senior counsel for the applicants rather amazed, for more than one reason, firstly, in the order, the Hon'ble Supreme Court observed that the learned single Judge can decide the issue regarding the convening of the General Council meeting on 11.07.2022 without bearing in mind the direction already given by the Hon'ble Supreme Court; secondly, no other interim relief has been sought for before this Court by the applicants apart from not to convene the meeting, to examine and pass necessary orders by this Court; thirdly, since the order has been passed permitting the respondents/defendants to convene the meeting, if at all, the same is not proceeded in accordance with law as projected by the learned Senior counsel for the applicants, being custodian of the order, it is for the Hon'ble Supreme Court to consider this aspect of the matter and not by this Court; fourthly, all the grounds which were vehemently raised before this Court on behalf of the applicants regarding the subject meeting is not going to be proceeded in accordance with law, were in fact, very well available at the time of passing of the order by the Hon'ble Supreme Court and this Court fails to understand as to why the applicants have not brought the same to the notice of the Hon'ble Supreme Court by way of review and seek modification of the order instead calling upon this Court to sit over and interpret the order of the Hon'ble Supreme Court, which, being inferior and abiding by law of precedent, this Court is not inclined to venture upon such course and pass contrary orders."

5. From the above, it is clear that the learned single judge has taken the view that, by virtue of the earlier order dated 06.07.2022 passed by this Court, he is unable to properly adjudicate the matters. However, a perusal of the order dated 06.07.2022 indicates no such restriction on the power or

discretion of the High Court.

6. Taking into consideration the above, we are of the considered view that it would be appropriate to remand this issue to the High Court for reconsideration, without being influenced by any of the orders passed by this Court either in the present Special Leave Petitions or in Special Leave Petition (C) No. 11237 of 2022, Special Leave Petition (C) No.11578 of 2022 and Special Leave Petition (C) No. 11579 of 2022 respectively.
7. We request the High Court to dispose of the said matters, pending adjudication before it, expeditiously and preferably within a period of two weeks reckoned from the date of communication of a copy of this order.
8. Till the High Court hears the matters, status-quo as it exists today shall be maintained by the parties.
9. Before parting with these matters, we make it clear that we have not expressed any opinion on the merits of the case. It is further clarified that the status-quo order being granted today, shall not be construed as an expression of any opinion by this Court on the merits of the case. The High Court shall deal with, and decide, the matters on their own merits in accordance with law.
10. The Special Leave Petitions and all the pending applications are disposed of on the above terms.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)