

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

O.S.A.No.311 of 2025
and
C.M.P. No.23423 of 2025

Akila Thiruvidadancore Siddha Vaidhya Sangam,
Munichirai, Pudukadai Post – 629 171,
Kanyakumari District
Having its Branch Office at
No.17, C.K. Street, Ayanavaram,
Chennai – 600 023 rep. By its Director,
President Mr.L.Noelraj

... Appellant

Vs.

A.T.S.V.S.Siddha Medical College & Hospital
run by Akila Thiruvidadancore Siddha Vaidhya Sangam,
Munichirai, Pudukadai Post – 629 171
rep. By its Interim Administrator
Justice A.Ramamurthy,
S/o.Anganan, Plot No.9,
HIG, TNHB Phase II, Nolambur,
Mugappair West, Chennai – 600 037.

... Respondent

Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules against the judgment dated 06.12.2024 in C.S.No.150 of 2024.

For Appellant : Ms.P.Padmeshwari

For Respondent : Mr.V.K.Sathiamurthy

JUDGMENT

(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

Under assail is the order dated 06.12.2024 passed in C.S.No.150 of 2024. Plaintiff is the appellant in the present Original Side Appeal. Civil suit has been instituted by the appellant claiming as a Director and Acting President of Akila Thiruvidadancore Siddha Vaidhya Sangam, Kanyakumari District. The relief sought for in the plaint is to frame a Scheme to administer the estate of the plaintiff's Sangam.

2. The defendant is the Administrator in the suit. An Interim Administrator was appointed by this Court in C.S.No.752 of 2005. The relief sought for in the said suit was for permanent injunction. This Court appointed Justice

A.Ramamurthy, Retired High Court Judge, as Interim Administrator of the college. The Administrator took charge of defendant's Sangam on 10.07.2006 and continuing as an Interim Administrator for the past about 19 years.

3. Learned counsel for the defendant/Interim Administrator would contend that the Interim Administrator is running the administration in a peaceful manner. He has contributed for the development of the institution and the institution has been now conferred with best institution award. Therefore, he may be allowed to continue as an Interim Administrator. Dispute between the erstwhile office bearers continue to exist. Though the plaintiff Mr.Noelraj claims to be the elected President of the Sangam, one Mr.Radhakrishnan is making a counter claim. Thus, in the event of handing over the administration to the plaintiff herein, there is likelihood of maladministration.

4. Learned counsel for the appellant would contend that the Interim Administrator is not empowered to continue. The suit filed in C.S. No.752 of 2005 was subsequently transferred to City Civil Court, Chennai and renumbered as O.S. No.8933 of 2019. The suit had been withdrawn. Therefore, the original suit in C.S. No.752 of 2005 does not exist. Thus the appointment of Interim Administrator came to an end. The said fact has not been disputed by the Interim Administrator.

5. The appellant herein would bring it to the notice of this Court that Mr.T.Mohanraj, erstwhile President of Sangam filed an interlocutory application in I.A.No.1 of 2019 in A.S.No.81 of 2011 on the file of the Subordinate Court, Kuzhithurai that Mr.Radhakrishnan said to be causing disturbance to the administration is none other than the brother of Mr.Mohanraj. Sub Court, Kuzhithurai dismissed the interlocutory application on 12.02.2025. Thereafter, a general body meeting was convened on 10.05.2025. The copy of the resolution passed in the general body meeting has been placed before this court. In the said general body meeting, the appellant Mr.Noelraj has been elected as President of the Sangam. Learned counsel for the appellant would contend that after conduct of election as per the bye-laws of the Sangam, the Interim Administrator need not be allowed to continue and the suit in C.S. No.752 of 2005, in which, Interim Administrator has been appointed, had been withdrawn. In any event, further continuance of Interim Administrator for an indefinite period would deprive the right of the elected office bearers to run the administration and would be opposed to the principles of democracy.

6. This Court heard the respective counsel appearing on behalf of the parties to the lis.

7. The governing legal principles regarding appointment of Interim Administrator by the Court are necessarily to be considered, since in the present case the Interim Administrator appointed in C.S.No.752 of 2005 is continuing as such for the past about 19 years, despite the fact that the said suit had already been withdrawn.

8. Primarily Courts are not intended to run the administration of the Institutions. Their jurisdiction extends only to resolve the disputes and ensure lawful governance, not to perpetually manage the affairs of the Societies or Associations. The Appointment of an Interim Administrator is an interim remedial mechanism, designed to stabilize the situation and restore democratic functioning. The power to administer an Institution must ultimately vest in its duly elected body, not in a Court-appointed officer. The appointment of an Administrator or Interim Administrator must be resorted to only in situations where democratic governance is rendered impossible due to factual exigencies.

9. Ordinarily, internal remedies available under the governing bye-laws and relevant statutes must first be exhausted before judicial appointment is considered. The routine interference with elected bodies undermines the autonomy of societies and discourages member participation. When statutory

Authorities or the judiciary themselves interfere without sufficient legal foundation, it weakens the democratic fabric of such Institutions and creates an atmosphere of fear among members and office bearers. Governance by its very nature must remain democratic and participatory, and any interference must be supported by law and justified by proven mismanagement or misconduct.

10. The bye-laws of a registered society are its charter of governance.

They confer upon members the rights such as:

- a. The right to vote and elect office bearers;
- b. The right to participate in the management; and
- c. The right to hold the committee accountable through regular elections.

11. Prolonged continuation of an Interim Administrator deprives members of these rights. The democratic process envisaged under the bye-laws demands periodic elections and timely change of administration. The long continuance of Administrators, sometimes even for decades offend the very spirit of democracy. The appointment of an Administrator, particularly during the pendency of statutory proceedings, is not a punitive or permanent measure, but, a temporary, protective mechanism intended to preserve the functioning of the Society until democratic processes are restored.

12. In ***Om Prakash & Ors. v. State of Himachal Pradesh & Ors.***¹, the Himachal Pradesh High Court examined the scope of **Section 37(1-A)** of the Himachal Pradesh Cooperative Societies Act, 1968, which empowers the Registrar to suspend a managing Committee and appoint an Administrator “while proceedings are pending” under Section 37(1). The Court clarified that such an appointment is purely interim in nature, designed to ensure that the affairs of the Society are managed efficiently and that further mismanagement or defalcation of funds is prevented during inquiry. The Registrar’s authority to appoint an Interim Administrator arises only when he is satisfied that suspension of the elected Committee is “***necessary in the interest of the Society.***” Further it was held as follows:

18 “..... Furthermore, to ensure that the proceedings, drawn, under sub-section 1, of, Section 37, of the Act, do not, become inordinately procrastinated, and also, for ensuring that, the, administrator, whose appointment, is, only, an, interim measure, does not stall, the managing(s), of, the, affairs, of, the, society, by, a democratically elected body, (ii) thereupon, the Registrar concerned, is, also, directed to, within, eight weeks hereafter, hence make, a, decision, after receiving, objections, if any, if not, already, upon, the show cause notice, drawn, under, sub-Section 1, of the Act.”

¹ MANU/HP/0957/2020

13. Importantly, the Court emphasized that:

- The appointment of an administrator does not amount to removal of the elected body but merely a temporary suspension pending adjudication.
- The measure is curative and preventive, not punitive, ensuring that the object of the Act of fair and accountable cooperative management is not frustrated.

14. In *City Cricket Club Srinagar & Ors. v. Board of Control for Cricket in J&K & Ors.*,², the High Court reiterated that judicial appointment of Administrators is not meant to substitute democratic management. The Court observed that administration by a Court-appointed Committee is only a temporary corrective mechanism, justified solely by the presence of extraordinary circumstances such as proven mismanagement or corruption. Once the irregularities are rectified, democratic elections must be restored. The Court cautioned that prolonged supervision by the judiciary or continuation of Administrators undermines Institutional autonomy and discourages member participation, which are the core values of association governance. This decision thus underscores the transitional character of interim administration, its object being to restore lawful, participatory management rather than to perpetuate judicial control.

2 2021 SCC OnLine J&K 320

15. In any event the appointment of an Interim Administrator or Administrator must remain a temporary corrective measure, justified only by clear factual exigency and grounded in statutory authority. The spirit of governance lies in the principle of democracy, where decisions flow from the collective will of the members. Courts must, therefore, ensure that any temporary intervention culminates swiftly in free and fair elections and restoration of democratic administration.

16. Admittedly in the present case, the Interim Administrator is already continuing for about 19 years. Long continuance of the Court appointed Interim Administrator will infringe the democratic right of the Sangam to participate in the administration. The fundamental right to vote is denied to the members. Elections are to be conducted on expiry of term as per the bye-laws and an Interim Administrator appointed is expected to initiate all steps to ensure that the elections are conducted in a swift manner so as to run the administration through elected office bearers.

17. It is the duty of the Courts to ensure that the Court appointed Interim Administrators complete their job by election in a short span of time and restore the administration of the Society or Institution and handover the charge to the democratically elected office bearers of the Society or Association. The

Courts are not expected to run the public administration for an indefinite period through Interim Administrators or Administrators. The Courts are bound to resolve the disputes and therefore appointment of an Interim Administrator is an interim measure.

18. In the present case, General body meeting of the Sangam was convened on 10.05.2025 and one Mr.Noelraj has been elected as the President of the Sangam by the general body. If at all the member or members of the Sangam are aggrieved, they may challenge the election or the resolution passed by the general body, as the case may be. However, continuance of Interim Administrator for an indefinite period is not desirable, since the Administrator is already running the administration for a past about 19 years, which is shocking the conscience of this Court.

19. Therefore, this Court requests the learned Interim Administrator Hon'ble Mr. Justice A.Ramamurthy, Retired Judge, High Court, Madras to handover the administration of the Sangam, College etc., to the elected President Mr.Noelraj within a period of two (2) weeks from the date of receipt of a copy of this order. The elected President is bound to run the administration in accordance with law. Aggrieved members, if any, are at liberty to challenge the election, if they are choosing to do so.

20. Consequently, the Interim Administrator is relieved forthwith. The 19 years of long service of the Interim Administrator Hon'ble Mr. Justice A.Ramamurthy, Retired Judge, High Court, Madras is appreciated. Accordingly, the order dated 06.12.2024 made in C.S.No.150 of 2024 is set aside and the present Original Side Appeal stands **allowed**. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
26.09.2025

Index:Yes
Internet: Yes

mmi/dsa

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

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