

O.A.No.368.370 & 379 of 2022 in C.S.No.118 of 2022

O.A.Nos.368, 370 and 379 of 2022
in C.S.No.118 & 119 of 2022

KRISHNAN RAMASAMY, J.

The present applications have been filed, seeking for grant of order of ad-interim injunction restraining the respondents/defendants from convening the General Council meeting of the AIADMK party, which is scheduled to be held on 11.07.2022 based on an unsigned notice dated 01.07.2022 issued without giving 15 days notice in advance of the date of meeting and also without express authorization of both Co-ordinator and Joint Co-ordinator of the AIADMK Party/1st respondent herein, pending disposal of the suit.

2. During hearing of the arguments advanced by the respective learned counsel for the parties, it is brought to the notice of this Court the order dated 06.07.2022 in SLP (c) No.11237 of 2022 passed by the Hon'ble Supreme Court, touching upon the subject matter relating to the conducting of the General Council Meeting to be held on 11.07.2022, which is extracted as under:

“Having regard to the facts and circumstances of the case and the subject-matter of the litigation as also the contents of the order dated 22.06.2022 as passed by the

learned Single Judge on the Original Side and the order dated 23.06.2022 as passed by the Division Bench of the High Court dealing with the intra Court appeals, it is considered appropriate and hence ordered and observed as under:-

a. Operation and effect of the impugned order dated 23.06.2022 shall remain stayed. It may be clarified that though the meeting dated 23.06.2022 (forming the subject-matter of the orders aforesaid), has already been taken place but, in view of the further steps/proceedings taken up or likely to be taken up pursuant to the impugned order and pursuant to the observations/directions made therein, and looking to the questions raised in these petitions, it appears necessary and expedient that the operation of the impugned order should remain stayed until further orders of this Court.

b. So far as 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 and in that relation, the other aspects of any interim relief ought to be projected and presented before the learned Single Judge dealing with civil suit(s) on the Original Side.

c. We do not consider it necessary to pass any other

order of interim nature and all other aspects are to be examined at the appropriate stage.

d. It is made clear that pendency of these petitions in this Court shall not be of any impediment for the **learned Single Judge dealing with the civil suit(s) to examine the prayer for any other interim relief and/or to pass any other necessary order, as may be required in the facts and circumstances of the case.**

The respondents may file counter affidavit within two weeks.

List these matters after two weeks.”

3. Though very many arguments have been raised by the learned Senior counsel appearing for the applicants, having regard to the order passed by the Hon'ble Supreme Court, which explicitly stated that the meeting of the General Council of the AIADMK to be held on 11.07.2022 may proceed in accordance with law, this Court is not inclined to take a divergent view and grant interim injunction restraining the respondents/defendants from convening the General Council Meeting on 11.07.2022.

4. However, it is vehemently contended by Mr.S.Guru Krishna Kumar,

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learned Senior counsel for the applicants that even though the Hon'ble Supreme Court has clearly stated that the General Council Meeting may proceed in accordance with law, if the applicants make out a prima facie case that convening the meeting is not in accordance with law, this Court can very well interfere and injunct the respondents/defendants from convening the General Council Meeting. He also pointed out that the Hon'ble Supreme Court has made it clear that pendency of the petitions before the Supreme Court shall not be of any impediment for the learned single Judge dealing with the civil suits to examine the prayer for any other interim relief and pass necessary order as may be required in the facts and circumstances of the case, therefore, he would urge this Court to consider the facts and circumstances of the case wherein, the respondents/defendants have deliberately and malignantly proposed to convene the General Council Meeting on 11.07.2022 in utter violation of the Party Bye Laws. According to the learned Senior counsel, as per Rule 19 (vii), only Co-ordinator and the Joint Co-ordinator are vested with the power to convene the General Council meeting by giving 15 days notice in advance, while so, contrary to the same, a notice dated 01.07.2022 has been issued by the Office Bearers of the Party Head Quarters/6th respondent inviting the applicants to the General Council meeting to be held on 11.07.2022. He would also point out that as long as Co-

ordinator and the Joint Co-ordinator are functioning, no other Office bearer or member of the General council is vested with the power to convene the meeting. Therefore, the action of the 6th respondent in issuing the notice and convening the General Council meeting is in utter disregard to the Party bye laws and a clever attempt to usurp the powers of the Co-ordinator and Joint Co-ordinator, which cannot be allowed to take place. Apart from these main contentions, the learned Senior counsel also raised contentions regarding the approval of the agenda of 23 items of previous meeting made by the applicant being the Co-ordinator, passing of the resolution appointing Presidium Chairman which is not subject of matter of agenda of 23 items, signing the notice by the Party Headquarters Secretary and not by the Co-ordinator or Joint Co-ordinator and that no provision or by law does authorize the 6th respondent to convene the General Council meeting when the posts of Co-ordinator and Joint Co-ordinator are not vacant. With these contentions, he seeks intervention of this Court and would urge this Court to grant interim injunction, to restrain the respondents/defendants from convening the General Council meeting on 11.07.2022 or any other date, pending disposal of the suit.

5. Mr.A.K.Sriram, learned counsel appearing for the applicant in OA Nos.370 and 379 of 2022 in CS 119 of 2022 would contend that the notice dated 01.07.2022 issued to the applicant inviting him to the General Council meeting is illegal and invalid for the reason that the members of the General Council had not given any requisition to the Co-ordinator and Joint Co-ordinator and that a notice of 15 days in advance of the date of meeting which is mandatory under Rule 19(vii) has not been issued. He pointed out that the very purpose in convening the meeting on 11.06.2022 only to take away the rights of the primary members of the party and also to dispel the Co-ordinator and his supporters from the party. He would also contend that by virtue of election of the Co-ordinator and Joint Co-ordinator and consequent amendment of the bye laws and during their tenure as such, the Office Bearers are not vested with any right to convene executive and general council meetings. He also contended that when as per Rule 45, both the Co-ordinator and Joint Co-ordinator are fully authorized to relax or make alterations to any of the rules and regulations of the party, their power cannot be curtailed and except them, no member or General Council can act and take decisions. Therefore, the learned counsel would submit that any amendment which would have the effect of de-legitimizing the the will of the majority of the primary members would amount to intrusion of their voting rights and hence,

he would urge this Court to grant interim injunction to restrain the respondents from convening the General Council meeting to be held on 11.07.2022 and also from passing any resolution abolishing the posts of Co-ordinator and Joint Co-ordinator as they were elected by the primary members of the party for a term of 5 years.

6. On the other hand, Mr.Vijay Narayan, learned Senior counsel appearing for the 6th respondent/defendant would primarily contend that so far as the General Council meeting to be held on 11.07.2022 is concerned, the Hon'ble Supreme Court, having taken note of the entire facts and circumstances, while ordering stay of operation of the order of the Division Bench of this Court, has made it clear that the meeting may proceed in accordance with law, this Court cannot pass any interim order, restraining the respondents/defendants from convening the said meeting at the instance of the applicants. While referring to the observation made by the Hon'ble Supreme Court that “...pendency of these petitions in this Court shall not be of any impediment for the learned single Judge dealing with the civil suit(s) to examine the prayer for any other interim relief and/or to pass any other necessary order as may be required in the facts and circumstances of the

case”, the learned Senior counsel would submit that except the interim relief regarding not to convening the General Council meeting on 11.07.2022, there is no other interim relief has been sought for by the applicants to consider and pass orders by this Court. He pointed out that virtually, the main relief sought for in the main suits as well as the interim relief sought for in the present applications, is one and the same and any order passed by this Court contrary to the directions of the Hon'ble Supreme Court, would tantamount to allowing the main suit itself. Therefore, the learned Senior counsel would submit that it would not be appropriate for this Court to decide the issues involved in the suit at this stage since the same requires consideration of very many issues that have been involved in the suit after filing the Writ Statements by the respondents/defendants. He also pointed out that any other aspects of interim relief in relation to the General Council meeting to be held on 11.07.2022 as observed by the Hon'ble Supreme Court only pertains to providing police security for conducting the meeting in smooth manner, etc., and not any relief much less restraining the respondents/defendants even from convening the meeting itself.

7. The learned Senior counsel would submit that during the Executive

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Council meeting held on 01.12.2021, special resolutions were passed in respect of amendments made in the bye laws regarding the posts of Co-ordinator and Joint Co-ordinator and for ratification of the said amendments, it was brought in agenda and placed before last General Council meeting held on 23.06.2022, but unfortunately, no resolution ratifying the said posts has been passed and thereby, as on date, the said posts, viz., Co-ordinator and Joint Co-ordinator are vacant and in such circumstances, by virtue of Rule 20-A(vii) of the Party Bye laws, the Office bearers who were nominated by the previous Co-ordinator and Joint Co-ordinator will hold office and continue to function till the new Co-ordinator and Joint Co-ordinator are elected and assume office. He would also refer to Rule 19(viii) which envisages that the General Council will be the supreme authority to frame policies and programmes of the party and for their implementation and the decision of the General Council is final and binding on all the members of the party. He pointed out that as per Rule 20-A(ii) even the posts of Co-ordinator and Joint Co-ordinator will be elected by the members of the General Council and by virtue of Rule 19(vii), one-fifth majority of the members of the General Council is sufficient to convene the meeting, whereas, out of 2665 members, as many as 2190 members have made request to convene the meeting and willing to participate the same and take appropriate decisions after due

deliberation. Therefore, in the light of the interim directions passed by the Hon'ble Supreme Court and in view of the Bye laws of the party, the interim relief sought for by the applicants cannot be sustained.

8. Mr.S.R.Rajagopal, learned Senior counsel would submit that the applicant being the plaintiff in the suit has filed the suit suing himself by impleading him as a party defendants 1 to 3 in the suit. A person cannot sue against himself and seek for reliefs. He pointed out that the applicant has portrayed as though the suit is filed in a representative capacity on behalf of the primary members of the 1st respondent party, however, before institution of such suit, the applicant has not sought for leave of the Court to file the suit in a representative capacity as required under Order 1 Rule 8 CPC. He also pointed out that the applicant claimed that the suit is filed for the welfare of the party and not against the interests of the party, while so, at the same time, he pleaded that he has been personally aggrieved by the convening of the General Council Meeting. Therefore, the suit itself is not maintainable and the same is liable to be dismissed.

9. Mrs.Narmada Sampath, learned counsel appearing for the 6th

O.A.No.368.370 & 379 of 2022 in C.S.No.118 of 2022 respondent/defendant would submit that the applicants have not come forward with clean hands as they suppressed many vital facts relating to the manner in which the General Council convened the meetings and issued notices on earlier occasion, i.e. in the year, which is subject matter of OA No.884 of 2017 in CS 707 of 2017. She would submit that now the applicant raised plea as regards the manner in which General Council convening the meeting on 11.07.2022, ignoring the fact that in the same manner in which the General Council convened the meeting in the year 2017 and elected him as Co-ordinator. Therefore, she would submit that the applicants have no genuine grievance and would not be prejudiced if at all any decision being taken by majority in the General Council meeting to be held on 11.07.2022, for which, the Court cannot come to their rescue. Hence, the learned counsel sought for dismissal of the applications.

10. Heard the learned respective Senior counsel appearing for the applicants and respondents and perused the entire materials available on record.

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 6th 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, nowhere 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.

12. The learned Senior counsel for the applicants would lay much emphasis on the observation made by the Hon'ble Supreme Court stating that ***“... So far as 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 and in that relation, the other aspects of any interim relief ought to be projected and presented before the learned single Judge...” and submit that the words “..in that relation, the other aspects of any interim relief” would only mean that this Court can consider and examine the very interim relief sought for by the applicants to restrain the respondents/defendants from convening the meeting and if the applicants make out *prima facie* case, they are entitled to the relief. This Court is unable to accept the submission made by the learned Senior counsel for the applicants. In fact, there is no ambiguity in the observation made by the Hon'ble Supreme Court since in clear terms, it has been observed that “**So far as 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 and in that relation, the other aspects of any interim relief that would be projected and presented before the learned single Judge**” would only mean that any other aspects of any interim relief that would be projected and presented if any by the applicants and it does not mean that the very interim relief itself, i.e. to restrain the respondents/defendants from convening the meeting, would be considered by this Court and pass orders contrary to the specific observation made by the Hon'ble Supreme Court, which has clearly indicated that **only in relation of interim relief already granted by**

the Hon'ble Supreme Court, any other aspects pertaining to any interim relief that would be projected by the applicants, this Court can consider and pass orders and absolutely, no other meaning could be attached to it. Therefore, this Court has no hesitation to hold that the General Council meeting as scheduled to be held on 11.07.2022 can be proceeded with in accordance with law as already directed by the Hon'ble Supreme Court.

13. As regards the contentions raised by the learned Senior counsel for the applicants that the so-called General Council meeting cannot be said to be in accordance with law since it has been based on an unsigned notice dated 01.07.2022 issued without giving 15 days notice in advance of the date of meeting and also without express authorization of both Co-ordinator and Joint Co-ordinator of the AIADMK Party/1st respondent herein, are concerned, it is vehemently contended on behalf of the applicants that authorization of the Co-ordinator and Joint Co-ordinator is required for convening the General Council meeting since as per the bye -laws only the Co-ordinator and Joint co-ordinator shall have the power to convene such meeting and the office bearers of the party, who are appointed by the Co-ordinator and Joint Co-ordinator do not have any authority or power to exercise the power of Co-

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ordinator and Joint Co-ordinator. It is also contended that as per Rule 19(vii)
of Bye laws, 15 days of advance notice prior to the General council meeting
is contemplated, which was not complied with since the applicants received
an invitation calling for the general council meeting to be held on 11.07.2022
through a Notice of invitation dated 01.07.2022 through the Office Bearers
of the Headquarters with unsigned format and the same was received on
04.07.2022.

14. In this regard, it is worthwhile to extract Rule 43 and Rule 19 (viii)
of the Bye Laws, which are extracted as under:

Rule 43. The General Council will have powers to frame,
amend or delete any of the Rules of the Party Constitution.

Rule 19(viii). The General Council will be the supreme
authority to frame policies and programmes of the Party and for
their implementation. The decision of the General Council is
final and binding on all the members of the Party.”

15. By virtue of the above Bye laws, it is contended by the learned
Senior counsel for the respondents/defendants that the General Council is the
supreme authority to frame policies and programmes of the Party and has

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power to frame, amend or delete any of the Rules of the Party Constitution. While so, on 01.12.2021, for posts of Co-ordinator and Joint Co-ordinator amendments for election of the said posts were made by the Executive Council and accordingly, elections were held and both of them got elected on 06.12.2021 by single vote by the primary members. However, the Bye Laws do not provide power to the Executive Council to make any amendment to the Bye-Laws regarding election of the said posts, whereas, the said power is provided only to the General Council as per Rule 43 extracted above. Therefore, during the meeting of the Executive Council, it was resolved that the resolution regarding the amended bye laws in respect of newly created posts, to be placed at the next General Council meeting. Accordingly, the next General Council meeting was convened on 23.06.2022 wherein, the resolution placed on agenda for the approval of election of Co-ordinator and Joint Co-ordinator was rejected and thereby, the amendments in the Bye laws regarding the election of posts of Co-ordinator and Joint Co-ordinator were not given effect to since the same were not ratified by the General Council and consequently, the posts were lapsed and virtually, both Co-ordinator and Joint Co-ordinator have vacated automatically from their office with effect from 23.06.2022.

16. It is further contended that when the posts of Co-ordinator and Joint Co-ordinator fell vacant until there is election to the said posts, by virtue of Rule 20-A(vii), Office bearers appointed by the previous Co-ordinator and Joint Co-ordinator will hold office and continue to function till the new Co-ordinator and Joint Co-ordinator are elected and assume office. In the present case as stated above, both Co-ordinator and Joint Co-ordinator stand vacated from their office automatically with effect from 23.06.2022 due to the reason of non-approval of their posts of Co-ordinator and Joint- Coordinator. It is pertinent to note that during the General Council meeting that was held on 23.06.2022, the 4th respondent was proposed as Interim Presidium Chairman and accordingly, he was elected as such as per Rule 23. Though, the resolution passed in respect of appointment of the Presidium Chairman was brought as contempt of Court before the Division Bench of this Court, consequently, having regard to the interim stay granted by the Hon'ble Supreme Court in respect of the Division Bench order, the said contempt petitions were dismissed by the Division Bench of this Court.

17. Therefore, when the Executive Council in the absence of power to

O.A.No.368.370 & 379 of 2022 in C.S.No.118 of 2022 amend the bye laws and to elect the Co-ordinator and Joint Co-ordinator, placed the same before the General Council for ratification, it is for the General Council either to ratify or not to ratify the same by majority decision in accordance with bye laws or constitution of the party. In the present case, the resolution regarding the amendment of bye laws in respect of election of Co-ordinator and Joint Co-ordinator was placed before the General Council meeting held on 23.06.2011 on which date, the Presidium Chairman who was elected on the same day, has announced that the resolution pertaining to the election of the Co-ordinator and Joint Co-ordinator has been rejected. In fact, before the Hon'ble Supreme Court, the Presidium Chairman has filed a statement, stating that nearly 2190 members of the General Council made a request to him for convening General Council meeting shortly and for declaring the date of the said meeting and on consideration of the said request signed by 2190 members and after holding discussions and deliberations with the office bearers of the Headquarters, he announced that the next meeting of the General Council shall be held on 11.07.2022. Therefore, when the bye laws were framed on their own by majority decision of the General Council for better management of the affairs of the Party and when such bye laws of the Party are not governed by any statute but being administered under their own rules and regulations, any action muchless even contrary to the bye laws,

can be tested and sorted out the same only in the light of their own rules and bye laws by the General Council, which is the supreme body to ratify any action by way of majority decision, in which case, this Court does not have any role to play and certainly cannot interfere with the administration of the Party which is governed by their own bye laws/constitution. Therefore, it is within the realm of the collective wisdom of the party members and any decision taken by majority after deliberations by the General Council, the same would abide by all including the applicants herein. If at all any member is aggrieved of non-issuance of notice or any other issue for which resolution being passed, he/she can very well bring to the knowledge of the General Council and raise his/her plea and grievance and if the majority will of the members of the General Council favours him/her, certainly, his/her grievance would be sorted out. However, without exercising the same, approaching this Court and seeking intervention contrary to the will of the majority, would not be well in the interest of the welfare of the Party and at his instance alone, this Court cannot act upon and interfere and pass orders in such a manner as sought for by a single member. Even assuming if any such order/direction is passed, a political party which is not governed by any statute in relation to the framing of its own bye laws, cannot have any statutory obligation to abide by it and even by majority decision, the Party can even delete or amend any of

the bye laws or actions of the members suiting their convenience for effective administration of the Party. In fact, the Courts have consistently held 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.

18. It is brought to the knowledge of this Court that during the meeting on 23.06.2022, out of total 2665 members, nearly 2190 members have made a requisition to convene the General Council Meeting immediately, which was considered and discussed by the Office bearers and decided to convene the General Council meeting on 11.07,2022. Accordingly, the 4th respondent, Chairman has announced the said decision that there would be a General Council meeting on 11.07.2022. Therefore, it is claimed on behalf of the respondents/defendants that once the date of General Council meeting was

O.A.No.368.370 & 379 of 2022 in C.S.No.118 of 2022 announced during the meeting held on 23.06.2022 before all the members who attended including the applicants, it is construed to be a notice made 15 days prior to the date of meeting. It is contended that as per Rule 19(vii), 15 days advance notice is required only when the meeting was proposed to be convened by the Co-ordinator and Joint Co-ordinator. As per Rule 19(vii), if one-fifth of the members of the General Council make request to convene the Special Meeting, the Co-ordinator and Joint Co-ordinator should do so within 30 days of the receipt of such a requisition, whereas, since the General Council has not approved and ratified the amended bye laws regarding the election of the said posts during its meeting on 23.06.2022, the Office Bearers have stepped in and by virtue of Rule 20-A(vii), they hold office and function and accordingly, notices were sent signing by Thalamai Kazhagam.

19. The learned Senior counsel pointed out that same kind of notices were sent in the year 1997 and even in 2017 when the Co-ordinator and Joint Co-ordinator elections were held, similar type of notices were sent by referring Thalamai Kazhagam. He also submitted that there is no practice or custom to tag agenda along with notice. However, in respect of present meeting, the agenda was sent one week prior to the meeting. As already stated above, notice was given by the Presiding Chairman by making

O.A.No.368.370 & 379 of 2022 in C.S.No.118 of 2022 announcement of the date of meeting on 11.07.2022 after considering the decision of the Office Bearers to whom nearly 2190 members have made requisition to convene a meeting immediately. Therefore, it is a sufficient notice and with these contentions, the learned Senior counsel would submit that the so-called General Council meeting scheduled to be held on 11.07.2022 is in accordance with law only.

20. Upon perusal of the entire materials placed before this Court and on consideration of the contentions put forth by the learned respective senior counsel and other counsel, this Court is of the considered view that the applicants have not made out a prima facie case to grant interim relief as sought for in the present applications.

21. The matter at hand is “an intra-party affair.” The law is trite that Courts jurisdiction is ousted in matters dealing with internal affairs or resolution of a political party regarding any aspect of the matter, such as nomination, election of leadership, amendment of bye laws, etc. It is within the political party’s jurisdiction and is indeed “No Go area” for Courts, as they lack jurisdiction to delve into such affair or matters. The Court’s

jurisdiction is ousted because such subject matter is non-justiciable. When the affairs of party/organization/associations etc. are governed by statutes, the Courts test the validity of their actions on the touch stone of such statutes. If such bodies are not directly governed by any statute but being administered under their own rules, bye laws etc., their impugned actions are tested in the light of those rules or bye laws with the majority will of the members of the General Council.

22. In a democratic set up, the will of the majority has to prevail. The general rule states that during a difference among the members, the majority decides the issue. If the majority exercises its powers in the matters of a party/organization's internal administration, then the Courts will not interfere in to the wisdom of majority. It is a well-established principle that, provided that the acts of the management are within the powers of the Party itself, any dispute between individual members of the Party and those responsible for its management must be decided by the machinery provided by the rules and not in a Court of law. As far as the validity of the notice issued contrary to the bye laws is concerned, as already discussed above, a statement was filed by the Presidium Chairman before the Honble Supreme Court, stating that out of

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2665 members of the General Council, 2190 members have signed and made a requisition to convene the meeting with agenda at the meeting held on 23.06.2022. It is further stated that after consultation and deliberations with the Office Bearers, he has announced the next meeting to be held on 11.07.2022 and also informed to the members who attended the meeting and also given wide publicity in media about convening of the meeting on 11.07.2022. In fact, Rule 19(vii) prescribes issuance advance notice of 15 days to all the members, it does not prescribe that such notice should be given in writing and the respondents/defendants referred to past instances of convening meetings with short notices within 15 days. Therefore, this Court is of the prima facie view that the notice deemed to have been issued to all the members as early as on 23.06.2022 intimating the convening of the meeting on 11.01.2022 and it is valid one.

23. In the present case, the applicants have been knocking the doors of Courts of law by making their best efforts to use the Courts as tools for their convenience to come to their rescue, who are not in a position to gain confidence or support from among the party members in their favour. It is

very unfortunate that a leader, in the capacity of the Co-ordinator, has time and again rushed to this Court, seeking interference, instead of approaching the General Council and participating in the General Council meeting and convince one and all the members by introducing his ideas and plans towards the welfare of the Party members and development of the party so as to gain the confidence of the members to act in his favour. What the applicant could not achieve, wants to achieve through the Court of law and the Courts will certainly refrain to interfere with the private affairs of the party, that too at the instance of just one or two members contrary to the interests of thousands of other members of the party.

24. In the event of any violation and the non-compliance of the Bye-Laws which could be very well ratified by the General Council, the aggrieved person can explore his grievance before the General Council and seek for ratification or not to approve such breach of non-compliance or violation and in such course, if the aggrieved person is prevented from addressing his grievance before the General Council affecting his rights, he can very well approach the civil Court for protection of his right which is not the case before this Court. As discussed above, in matters of internal affairs of

party/association, the courts normally do not interfere, leaving it open to the party/association and its members to frame a particular bye-law, rule or regulation which may provide better management of the party/association and solution for sorting out any issues and/or providing for limitations/restrictions on the exercise of any right by and as a member of the said party/association. Further, the authority to frame, amend, vary and rescind the bye laws of the party, undoubtedly, vests in the General Council of the Party and in the absence of any statutory status attached to such bye laws and when the majority plays a vital role in decision making process, this Court cannot interfere with the internal affairs of the party.

25. In the light of the above discussion, this Court is of the view that the applicants have not made out a case for grant of interim reliefs as sought for in these applications. Accordingly, the General Council Meeting as scheduled to be held on can be proceeded with in accordance with law as already directed by the Hon'ble Supreme Court.

26. In the result, these applications are dismissed.

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