

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2018

Coram

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice P.D. Audikesavalu

W.A. No. 1773 of 2017
and
C.M.P. No. 22461 of 2017

R. P. F. Members Association
rep. by its General Secretary,
G. Babu, Southern Railway
Chennai ... Appellant

Versus

1. A. Marimuthu
2. The General Manager,
Southern Railway
Chennai- 600 003.
3. The Inspector General of Registration,
Chennai - 600 028.
4. The Chief Security Commissioner,
RPF, Southern Railway
Chennai- 600 003 Respondents

Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 03.11.2017 made in W.P.No.9091 of 2010.

WP. 9091 of 2010: Writ Petition filed under Article 226 of the constitution of India a issue a Writ of Mandamus forbearing the respondents 1 and 2 from in any manner permitting the fourth respondent from the usage of Registration No.165/73 without appropriate authority for the same as per the Societies Registration Act and to pass orders.

For Appellant	:	Mr. M. Balasubramanian
For Respondent-1	:	Mr. L. Chandrakumar
For Respondents-2 & 4	:	Dr. S.R.Sundaram
For Respondent-3	:	Ms. Thanga Vadhana Balakrishnan Government Advocate

JUDGMENT

(Judgment of the Court was delivered by R.Subbiah,J.)

This intra Court Appeal is filed against the order dated 03.11.2017 passed in WP No. 9091 of 2010, whereby the learned Single Judge, allowed the Writ Petition instituted by the first respondent herein.

2. The learned counsel appearing for the appellant/Railway Protection Force Members Association, (for short Appellant/Association) after making an elaborate arguments on the factual aspects of the matter, submitted that the Rival Association, viz., All India Members Association has filed a Civil Suit, being C.S.No.332 of 2011 on the file of the Original Side of this Court, as against the appellant/Association seeking a comprehensive relief, wherein, evidence has already been recorded. Since the prayer in the Writ Petition and the relief sought in the Civil Suit is identical, if any order is passed in the Writ Petition, the same will have a bearing on the Civil Suit.

3. We have also heard the learned counsel for the respective respondents on the above submission.

4. Having regard to the fact that already a Civil Suit in C.S. No. 332 of 2011 has been filed by the rival union and it is pending before this Court in which evidence has already been let in and trial commenced, we are of the view that the order passed by the learned single Judge has to be recalled and the writ petition No. 9091 of 2010 has to be tagged along with C.S. No. 332 of 2011 for disposal. That apart, the evidence, that is recorded in the Civil Suit would obviously be useful to dispose of not only the Civil Suit but also the Writ Petition. However, it is made quite clear that, this Court has not gone into the merits of the case projected by the appellant. No costs. Consequently, connected Miscellaneous Petition is closed.

5. Accordingly, the order passed by the learned Single Judge is set aside and the Writ Appeal is disposed of with an observation that WP No. 9091 of 2010 shall be tagged along with C.S. No. 332 of 2011 filed by All India Members Association and which is pending before this Court for being disposed of jointly.

sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

sd/rsh

To

1.The Inspector General of Registration,
Chennai - 600 028.

2.The Sub Assistant Registrar,
Original Side,
High court, Madras.

(for listing the WP alongwith CS.No.332/2011 by following th
procedure)

Copy TO

The Section Officer,
Writ Section, High Court,
Madras.

+2cc to Mr.M.Balasubramaninan, Advocate SR.No.18384
+1cc to Mr.L.Chandra Kumar, Advocate SR.No.18564

W.A.No.1773 of 2017

LRS (CO)
GN(23/05/2018)



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