



C.R.P(PD)No.2053 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 15.11.2021

Coram

The Honourable Mr.Justice J.SATHYA NARAYANA PRASAD

**C.R.P(PD)No.2053 of 2015
and M.P.No.1 of 2015**

1.The Chairman,
Tamil Nadu Regional Chapter,
Institute of Town Planners India,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2.Mr.Ananda Ranjana Doss

3.Mr.N.S.Periyaswamy

...Petitioners

Versus

1.Mr.A.Jagannathan,

2.The Secretary General,
Institute of Town Planners India,
4A, Ring Road, I.P.Estate
New Delhi – 110 002.

...Respondents

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to strike off the plaint in O.S.No.2195 of 2015 on the file of XIV Assistant Judge, City Civil Court, Chennai.

For Petitioners	:	Mr.K.Shakespeare
For Respondents	:	Mr.Krishna Ramanujam for Mr.G.RM.Palaniappan



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ORDER

The relief sought by the petitioners/defendants 1 to 3 in this Civil Revision Petition is to strike off the plaint in O.S.No.2195 of 2015 on the file of XIV Assistant Judge, City Civil Court, Chennai.

2. The case of the petitioners/defendants 1 to 3 is that the first respondent/plaintiff was participated in the meeting of the executive committee of Institute of Town Planners, India – Tamil Nadu Regional Chapter (hereinafter referred to as 'ITPI-TNRC') held on 07.05.2015 and the said committee took a decision to hold election on 27.05.2015 for the post of office bearers of ITPI-TNRC, for the year 2015 – 2016. But suppressing the said fact, the first respondent/plaintiff had filed a suit in O.S.No.2195 of 2015 on the file of XIV Assistant City Civil Court, Chennai for the following reliefs:

(a) For a declaration declaring the letter dated 25.03.2015 issued by the fourth defendant as ex-facie illegal, void ab inito and non-est in law.



(b) For a declaration declaring the Executive Committee Meeting held on 08.05.2015 by defendants 2 and 3 as ex-facie illegal, void ab inito and non-est in law.

(c) For a declaration declaring the election notification dated 08.05.2015 of the first defendant association notifying the election dated for 27.05.2015 as ex-facie illegal, void ab inito and non-est in law.

(d) For a permanent injunction restraining the defendants, their men, servants, legal representatives and assigns from in any manner conducting the elections dated for 27.05.2015 in respect of the first defendant association or on any other future dates.

According to the petitioners/defendants 1 to 3, the first respondent/plaintiff is misleading the trial court by stating that the election notification was passed by the said committee only on 08.05.2015. Hence, they have filed the present Civil Revision Petition for the relief stated *supra*.

3. The learned counsel for the petitioners/defendants 1 to 3 submitted that the first respondent/plaintiff himself had stated in paragraph No.5 of his plaint that in Clause 12 of the Memorandum of Articles of Association and Byelaws and Regulations for Regional Chapter, the term of Office Bearers



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has been enumerated as one year. As per the said clause, the term for the post of office bearers of ITPI-TNRC has already been over.

4. In view of the submission made by the learned counsel for the petitioners/defendants 1 to 3, this Civil Revision Petition is disposed of with granting liberty to the parties to agitate before the learned XIV Assistant Judge, City Civil Court, Chennai, in respect of O.S.No.2195 of 2015. No costs. Consequently, connected Miscellaneous Petition is closed.

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mrr

Index : Yes/No



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To

The XIV Assistant Judge,
City Civil Court,
Chennai.



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J.SATHYA NARAYANA PRASAD, J.

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