

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.3013 of 2016
and C.M.P.No.15220 of 2016

1. The Secretary General
Institute of Town Planners India
4-A, Ring Road, I.P.Estate,
New Delhi - 110 002.
 2. The Chairman,
Tamil Nadu Regional Chapter,
Institute of Town Planners India,
1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- Petitioners
- Vs.
- K.M.Sadhanandha ... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 25.07.2016 in I.A.No.11526 of 2015 in O.S.No.2627 of 2015, passed by the learned XII Assistant Judge, City Civil Court, Chennai.

For Petitioners : Mr.K.Shakespeare

For Respondent : Mr.G.R.M.Palaniappan

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 25.07.2016 passed by the learned XII Assistant Judge, City Civil Court, Chennai, in I.A.No.11526 of 2015 in O.S.No.2627 of 2015, thereby dismissing the petition filed to order the return of the plaint for presentation before the Court in which the suit should have been instituted.

2. The petitioners are the defendants in the suit filed by the respondent for declaration declaring that the letter dated 14.03.2015 issued by the first petitioner as ex-facie illegal, void, ab-inito and non-east in the eye of law and also prayed for permanent injunction restraining the petitioners from giving effect to the letter dated 14.03.2015. In that suit, the petitioners filed a petition in I.A.No.11526 of 2015 to return the plaint and the trial Court dismissed the said petition. Aggrieved by the same, the present Civil Revision Petition.

3. The learned counsel appearing for the petitioners would submit that there is no cause of action has arisen for the present suit within the jurisdiction of the city of Chennai. Therefore, the Court below has lack of territorial jurisdiction and no part of cause of action arising at Chennai. The suit filed by the respondent dismissed in limini for want of territorial jurisdiction. He further submitted that the first petitioner has its office at New Delhi and the show cause notice as well as the suspension order issued only at New Delhi. Even then, the respondent deliberately filed suit challenging the said order passed by the first petitioner at Chennai. The allegations levelled as against the petitioners in the plaint have no relevance to the issue raised in the suit.

3.1. He further submitted that the Court below rejected the petition on the ground that in untoward incident was taken place at Mouliwakkam, which comes under the jurisdiction of the trial Court and as such it got territorial jurisdiction to try the suit. Admittedly, the untoward incident was taken place at Mouliwakkam and the said place comes under the jurisdiction of Sriperumbuthur Taluk and Kanchipuram District. Therefore, the trial

court has no territorial jurisdiction to try the suit. He further submitted that the respondent impleaded the second petitioner as to avoid the technicalities. Whereas in the counter, the respondent stated that the respondent assigned his function only at Chennai and the respondent is the member of the second petitioner which functions only at Chennai. It is true that the second petitioner assumed Regional Chapter as like other three cities and the registered head office situated at New Delhi. All the show cause notice as well as the impugned order issued by the first petitioner from New Delhi.

3.2. He further submitted that even in the plaint avernments, the respondent categorically stated that the Annual General Body meeting held at New Delhi and in pursuant to the said meeting, decision was taken by the Institute of Town Planners India (herein after called as "ITPI") and issued show cause notice as well as the suspension order. Therefore, the entire cause of action arose at New Delhi and the present suit is not at all maintainable before the Court below, since the Court below has no territorial jurisdiction to try the suit. In support of his contention, he relied upon the judgment reported in **2004 (3) CTC 365** in the case of **Kusum**

Ingots & Alloys Ltd., Vs Union of India and another and the judgment reported in ***2013 (3) CTC 8*** in the case of ***E.Ekambaram Vs. Bhavani Sagari***.

4. Per contra, the learned counsel appearing for the respondent would submit that the respondent is a qualified Civil Engineer and Town Planner. He is the life member of ITPI with the first petitioner herein. The second petitioner is the Regional Chapter of the first petitioner herein. The Regional Chapter shall be governed and guided by the council of all matters concerning town planning and town planning profession. Therefore, the second petitioner is formed for the members residing within the State of Tamil Nadu, having their office only at Chennai. The second petitioner though is acting under the first petitioner, both are bound by the rules & regulations of the Memorandum of Association of the first petitioner.

4.1. He further submitted that there was an untoward incident took place at Mouliwakkam, where a building collapse took a heavy toll of construction workers. With regard to the same when the press posed a

question to the respondent as to whether the said topic would figure in the meeting, for which he replied that the said subject was not in the agenda and he was not aware whether the same would come up for the discussions. It was published in the tamil daily called Dinamalar in its issue dated 07.01.2015. Based on which, the first petitioner herein issued show cause notice dated 14.01.2015 to the respondent's address who is residing at Adyar, Chennai. On receipt of the same, the respondent also sent his explanation. After receipt of the explanation, the first petitioner issued letter dated 14.03.2015, thereby suspending the respondent from his membership, which was also served on the respondent at Chennai. Therefore, part of the cause of action arose at Chennai and the trial Court has absolute territorial jurisdiction to try the suit. Therefore, the trial Court rightly dismissed the petition filed by the petitioners and it does not warrant any interference by this Court.

5. Heard Mr.K.Shakespeare, learned counsel appearing for the petitioners and Mr.G.R.M.Palaniappan, learned counsel appearing for the respondent.

6. The respondent filed suit for declaration and injunction challenging the suspension order passed by the first petitioner herein. The first petitioner is registered office situated at New Delhi and it has Regional Chapter situated at Chennai viz., the second petitioner herein. Admittedly, the respondent residing at Chennai. He is a life member of the first petitioner herein. With regard to the incident happened at Moulivakkam, the respondent had given an interview and it was published in the news article in tamil daily Dinamalar on 07.01.2015. In pursuant to which, the first petitioner issued show cause notice from New Delhi to the respondent herein who is residing at Chennai. On receipt of the said show cause notice, the respondent submitted his explanation from Chennai to the first petitioner. Thereafter without satisfying with the explanation submitted by the respondent, the first petitioner suspended the respondent from his membership of the first petitioner herein. It was served to the respondent at Chennai. Therefore, the cause of action arose at Chennai, while the respondent had given interview to the press and it was published in tamil daily in and around Chennai.

7. That apart the show cause notice received at Chennai and the suspension order also received by the respondent at Chennai. Though the first petitioner situated at New Delhi its Regional Chapter is very much situated at Egmore, Chennai. It is relevant to extract the provisions under Section 20(c) of CPC. as follows :-

*"20. Other suits to be instituted where
defendants reside or cause of action arises :-*

.....

*(c) the cause of action, wholly or in part,
arises"*

8. Accordingly, the cause of action partly arose at Chennai and the respondent rightly instituted the suit before the XII Assistant City Civil Court at Chennai. Though the trial Court has stated wrong reason as that the untoward incident was taken place at Moulivakkam, which comes under the jurisdiction of the Court below, the said untoward incident is not a matter for the cause of action to file the present suit. In pursuant to the said untoward incident happened at Moulivakkam, the respondent had given interview to the press and the same was published in tamil daily at Chennai.

Therefore, the part of the cause of action arose at Chennai and the learned XII Assistant Judge, City Civil Court, Chennai has got territorial jurisdiction to try the suit. Therefore, the judgment relied upon by the learned counsel appearing for the petitioners are not helpful to the case on hand.

9. In view of the above discussions, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.02.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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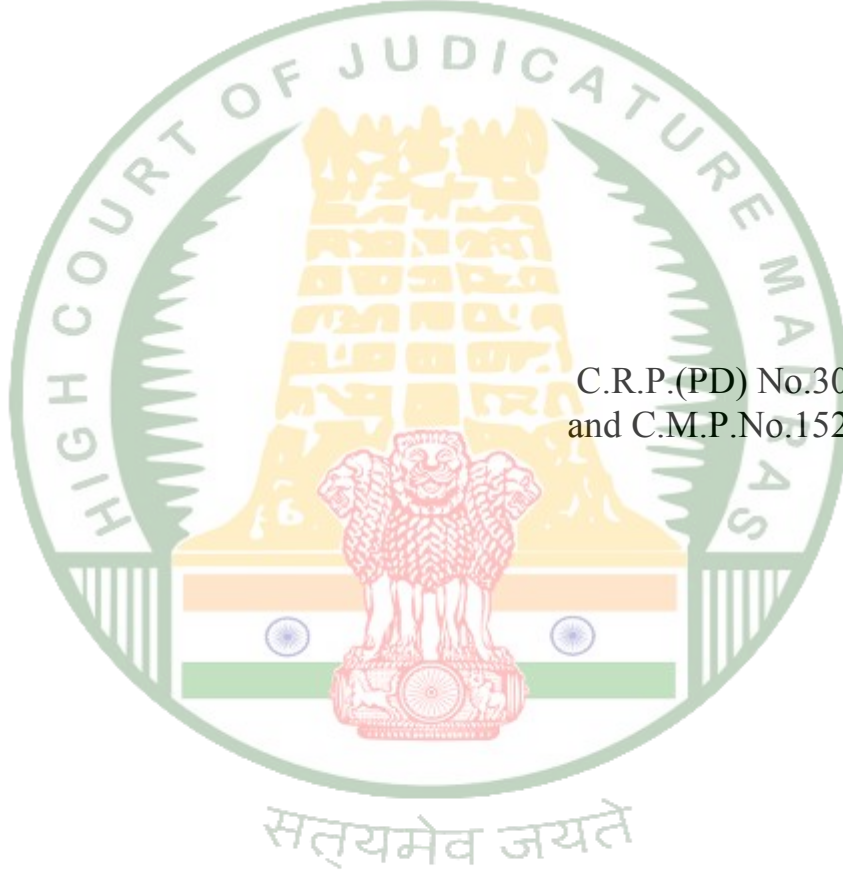
To

1. The XII Assistant Judge,
City Civil Court, Chennai.

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J.

rts



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