



CRP(PD)(MD)No.1617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1617 of 2022

CMP(MD) No.7020 of 2022

S.Thiyagarajan

... Petitioner

Vs

1.W.S.M.K.Rajaram

President,
Hindu Nadar Uravinmurai Union,
Door No.15-1-138H, High School Road,
Pattiveeranpatty.

2.T.N.S.M.Shangaralingam

Secretary,
Hindu Nadar Uravinmurai Union,
Door No.15-1-138H, High School Road,
Pattiveeranpatty.

3.Rajaguru,

President,
Election Committee of 2021,
H.N.U.P.R.Sangam,
Door No.15-1-138H, High School Road,
Pattiveeranpatty.



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4.The District Registrar,
District Registrar Office,
Dindigul.

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned District Munsif, Nilakkottai in I.A.No.2 of 2021 in O.S.No.27 of 2021, dated 08.07.2022.

For Petitioner : Ms.Radhi Sathish

ORDER

This Civil Revision Petition is filed as against the order passed by the learned District Munsif, Nilakkottai in I.A.No.2 of 2021 in O.S.No.27 of 2021, dated 08.07.2022.

2.The revision petitioner/ plaintiff filed a suit in O.S.No.27 of 2021, before the District Munsif Court, Nilakkottai, as against the respondents, for the relief of declaring that the election conducted on 21.02.2021 is null and void and also sought for an injunction as against the respondents 1 to 3, not to act upon as per the alleged election. Pending the suit, the petitioner, who is the plaintiff has filed the



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interlocutory application in I.A.No.2 of 2021, under Order I, Rule 10(2) and Section 151 of Civil Procedure Code, to implead the District Registrar, Dindigul as proposed party to the suit and the same was dismissed by the trial Court that the District Registrar, Dindigul is not a required party to the suit. Aggrieved over the same, the present Civil Revision Petition is filed.

3.The learned counsel appearing for the petitioner submits that as per Section 36 of Tamil Nadu Societies Registration Act, the District Registrar has power to inquire into the affairs of the petitioner's Sangam and hence the District Registrar, Dindigul has to necessarily impleaded as a party to the suit. Therefore, the order of the trial Court, dismissing the application of the petitioner has to be set aside.

4.This Court considered the submissions made by the learned counsel for the petitioner and also perused the materials placed on record.



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5. Admittedly, the suit in O.S.No.27 of 2021 has been filed

by the revision petitioner herein, before the District Munsif Court, Nilakkottai, for the relief that the election conducted on 21.02.2021 is null and void and also for an injunction as against the respondents 1 to 3, not to act upon as per the election so conducted. Pending the suit, the petitioner/plaintiff filed an application in I.A.No.2 of 2021, to implead the District Registrar, Dindigul as proposed defendant to the suit stating that changes in any procedure and bye-law of the Union has to be submitted to the proposed defendant. The other defendants have also filed their counter affidavit objecting the plea of the petitioner. The trial Court has held that in order to adjudicate the issues involved in the suit, the presence of the proposed respondent is not required. The trial Court has further held that just because sanction in respect of any changes in the procedure and bye-laws of the union has to be obtained from the proposed party/the District Registrar, Dindigul, the proposed respondent need not be added as a party to the suit and finally dismissed the application filed by the petitioner/plaintiff. This Court feels that no



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relief was sought for as against the proposed respondent in the suit and therefore is not inclined to interfere with the order of the trial Court.

6. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.08.2022

Index : Yes / No.

Internet : Yes / No.

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To

The District Munsif, Nilakkottai



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B.PUGALENDHI, J.

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Order made in
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