



WEB COPY



W.P.No.1406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.1406 of 2024

N.Senthilkumar

.. Petitioner

Vs

- 1.The Chairman,
Indian Red Cross Society,
National Headquarters,
New Delhi-110 003.
- 2.The Secretary General,
Indian Red Cross Society,
National Headquarters,
New Delhi-110 003.
- 3.Indian Red Cross Society,
Tamil Nadu Branch,
rep. by Adhoc Committee
Hon'ble Justice (Retd.) M.Jaichandren, Chairman,
No.32/50, Red Cross Building,
Egmore, Chennai-600 008.
- 4.The Principal Secretary to Governor,
Raj Bhavan,
Guindy, Chennai-600 022.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the President of IRCS-TNB (Hon'ble Governor of the State) through the fourth respondent to regulate the affairs of the third respondent till such time a Managing Committee is duly elected as per the statute.

For the Petitioner : Mr.Om Prakash
Senior Counsel
for M/s.R.Moneshaa

For the Respondents : Mr.P.S.Raman
Advocate-General
assisted by
Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1, 2 and 4

: Mr.Nithyaesh Vaibhav
for respondent No.3

: Mr.V.Raghavachari
Senior Counsel
for M/s.B.Ram Kumar
for the proposed respondents
in WMPs.3196 & 3197/2024

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.Om Prakash, learned Senior Counsel appearing on behalf of Ms.R.Moneshaa, learned counsel for the



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petitioner; Mr.P.S.Raman, learned Advocate-General, assisted by Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1, 2 and 4; Mr.Nithyaesh Vaibhav, learned counsel for respondent No.3; and Mr.V.Raghavachari, learned Senior Counsel appearing on behalf of Mr.B.Ram Kumar, learned counsel for the proposed respondents in W.M.P.Nos.3196 and 3197 of 2024.

2. The present writ petition is filed seeking directions against the President of IRCS-TNB, through the fourth respondent, to regulate the affairs of the third respondent till such time a Managing Committee is duly elected as per the statute and pass such further or other orders, as this court may deem fit.

3. The Indian Red Cross Society, with various State Branches, is constituted in the year 1920 with a laudable object, viz., to promote humanitarian activities. The Indian Red Cross Society has a national headquarters, State Branch and District Branches.

4. It appears that some complaints of malfeasance and



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misfeasance in the management of the society were reported. An Ad-hoc Committee was appointed on 27.1.2023 by dissolving the Managing Committee. The Ad-hoc Committee is constituted under the Charimanship of a Former Judge of this court. Initially the Ad-hoc Committee is constituted for a term of six months. Subsequently, on 25.7.2023, the term of the Ad-hoc Committee was further extended by six months. The said six months period came to an end on 27.1.2024.

5. It is accepted by learned Senior Counsel, learned Advocate General and the advocates appearing for the parties that there is no provision for extending the term of the Ad-hoc Committee beyond one year. It appears that the election of the Managing Committee of the State Branch has not been held and it is high time the elections are held. There is no provision for extending the term of the Ad-hoc Committee. On the one hand, there would be no elected body and on the other hand, the Ad-hoc Committee also cannot operate beyond one year. The same would result in a stalemate. The period of one year has lapsed. Some modalities will



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have to be worked out.

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6. It is desirable that the State Branch is manned by the elected body. The Ad-hoc Committee or the Administrators cannot continue in perpetuity.

7. For the foregoing reasons, we pass the following order:

- (i) The Ad-hoc Committee constituted by the Governor under order dated 27.1.2023 shall now function as a Body of Administrators;
- (ii) The Body of Administrators shall conduct the day-to-day affairs of the State Branch and shall also conduct the elections of the Managing Committee of the State Branch in accordance with the bye-laws/provisions governing the State Branch;
- (iii) The District Branches and other persons concerned with the State Branch shall cooperate with the Body of Administrators for



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conduct of the elections;

(iv)The elections shall be concluded within four months;

(v)Till the elected body takes over, the Body of Administrators shall continue to conduct the day-to-day affairs of the State Branch, however may not take any policy decision.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.1432 and 1433 of 2024 are closed. W.M.P.Nos.3196 and 3197 of 2024 seeking impleadment are disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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National Headquarters,
New Delhi-110 003.
- 2.The Secretary General,
Indian Red Cross Society,
National Headquarters,
New Delhi-110 003.
- 3.The Adhoc Committee
Headed by Hon'ble Justice (Retd.) M.Jaichandren, Chairman,
Indian Red Cross Society,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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