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C.R.P.No.2085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

**C.R.P.No.2085 of 2024
and
CMP.Nos.11151 & 11153 of 2024**

Faizur Rahman Sayeed

... Petitioner

Versus

Bader Sayeed

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to IA.No.02 of 2024 in OS.No.2359 of 2024 from the file of VI Assistant City Civil Court, Chennai and set aside the order dated 23.04.2024 as well as further order dated 29.04.2024 and consequentially grant an order or ad Interim Injunction restraining the respondent, her men, agents, servants, subordinates or any other person from conducting an Executive Council Meeting of the Southern India Education Trust the (S.I.E.T) on 21.05.2024 or on (Tuesday) any other date or dates.



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For Petitioner : Mr.N.S.Siva Kumar

For Respondent : Mr.G.Rajagopalan
Senior Counsel
for M/s.P.B. Suresh Babu

ORDER

This Civil Revision Petition is filed to call for the records relating to IA.No.02 of 2024 in OS.No.2359 of 2024 from the file of VI Assistant City Civil Court, Chennai and set aside the order dated 23.04.2024 as well as further order dated 29.04.2024 and consequentially grant an order or ad Interim Injunction restraining the respondent, her men, agents, servants, subordinates or any other person from conducting an Executive Council Meeting of the Southern India Education Trust the (S.I.E.T) on 21.05.2024 or on (Tuesday) any other date or dates.

2. The petitioner/plaintiff in O.S.No.2359 of 2024 has filed he I.A.No.02 of 2024 seeking ad interim injunction restraining the respondent /defendant, her men, agents, servants, subordinates or any other person from conducting an Executive Council meeting of the Southern India Education Trust (S.I.E.T) on 21.05.2024 or any other day or dates pending



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disposal of this CRP.

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3. This prayer was sought since the respondent has no authority to convene any Executive Committee Meeting at the S.I.E.T on 24.04.2024 and the objections on this I.A., was submitted on 23.04.2024. The submission of the petitioner was considered and the trial court recorded that the document No.5 filed by the petitioner is the show-cause notice issued to the petitioner by the Trust on 04.04.2024 in which paragraph No.6 in the “A” Diary is extracted as follows:

“ You Mr.Faizur Rahman Sayeed, Secretary-SIET/Correspondent of J.B.A.S.Matriculation Higher Secondary School have made derogatory remarks and made obscene remarks during your conversation with Dr.Amthul Azeez that amounts to sexual harassment in a working place and similar remarks and comments with other women staff, lady trust in Alumni Re-Union. There are serious allegations raised as against the petitioner herein. In such circumstances without hearing otherside if ex parte and ad interim injunction is granted the respondent will be prejudiced. Therefore, for the foregoing reasons this court is not inclined to pass any interim



injunction as against the respondent. Issue notice to respondents on 29.04.2024.”

4. Thereafter the case was adjourned to 29.04.2024 and then the respondent's advocate undertakes to file vakalat and thereafter memo was filed to that effect and recorded. The said I.A.No.2/2024 and O.S.No.2359/2024 were adjourned to 03.07.2024. Aggrieved against the non-completion of the I.A on merits, he further posted and allowed the same on 03.07.2024. Hence, the petitioner was constrained to move this court by way of this CRP.

5. The contention of the learned Senior counsel appearing for the respondent is that the Chairman of the Trust passed away on 08.05.2024 and the respondent has now been elected as Chairman of the Trust. His only apprehension is that this court by its order dated 21.05.2024 had recorded not granted any stay, but observed that meeting is scheduled to be held on 21.05.2024 at 6.00 p.m., and any resolution or decision, that may be taken at the Meeting shall not be implemented or enforced till 30.05.2024. Further, the case was listed on 30.05.2024 and extended till 03.06.2024.



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6. The contention of the learned counsel for the petitioner is that any observation or disposal of the above revision should not curtail his rights before the lower court in O.S.No.2359 of 2024 as well as in I.A.No.2 of 2024.

7. The learned Senior Counsel produced the Agenda for the Meeting of the Executive Council held on 21.05.2024 at 6.00 p.m., which is reproduced below.



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Sl.No.	Agenda
1.	Recitation from the Holy Qur'an.
2.	Confirmation of the Minutes of the Meeting of the Executive Council held on the 24 th April 2024 & 13 th May 2024.
3.	To elect the Chairman in the place of the late Mr.Moosa Raza, IAS (Retd.) who passed away on 8 th May 2024. After the election of the Chairman if changes are also required in the list of office bearers, this may be discussed and decided upon by the Executive Council to ensure seamless operations of the Trust and institutions.
4.	To consider naming of the College library after out Late Chairman Mr.Moosa Raza IAS and to conduct an appropriate ceremony for the same.
5.	Action taken on the proposal of Daily Wagers.
6.	Admission Committee details – 2024-2025.
7.	To consider and approve the budget for the year 2024-2025 for the S.I.E.T and its institutions.
8.	To advertise the Appointment of College Administrative Officer in the news dailies.
9.	Retirement of Girls School Principal and steps to be taken for the appointment of a new Principal.
10.	To discuss about further action to be taken in the matter of the show cause notice issued to Mr.Faizur Rehman Sayeed Secretary, as no answer has been received from him.
11.	To ratify the Painting works carried out in the entire Boys School campus for Rs.23,00,000/-.
12.	To ratify the Trust Scholarship amount of Rs.1,58,22,374/- sanctioned for the year 2023-2024 provided to the students of the S.I.E.T and its institutions.
13.	Any other item with the permission of the Chair.



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8. In the said agenda, Item No.10 alone pertains to the show-cause notice issued against the petitioner which was not considered and it was deferred. The respondent has been elected as new Chairman and for functioning of the Chairman office, one Joint Secretary appointed. Appointment of officers by the elected Chairman for functioning of the Trust would no way cause prejudice or affect the right of the petitioner in any manner in O.S.No.2359 of 2024. The counsel for the petitioner submitted that adjourning the case to 03.07.2024 by the Trial Court to be advanced and hearing can be fixed to 25.06.2024.

9. In view of both parties agree to appear and approach the trial court on 25.06.2024, recording the same, no further order is passed. The observation and protection granted on 21.05.2024 extended on 31.05.2024, will cease to exist, no more in force. The counter has to be served to the petitioner by the respondent well before 25.06.2024.



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WEB COPY 10. Recording the above submissions, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

05.06.2024

Index : Yes/No
Speaking/Non-speaking Order
gv

To
The VI Assistant City Civil Court, Chennai



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M.NIRMAL KUMAR, J.

gv

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