



W.P.No.15407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24/10/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Writ Petition No.15407 of 2024

J. Gunasekaran ... Petitioner

Vs

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

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India



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praying for the issuance of a writ of mandamus to consider the representation of the petitioner dated 3/5/2024 and forbear the functioning of third respondent as representative in National Body of Indian Red Cross Society.

For petitioners ... Mr.MA.Gouthaman

For respondents ... No appearance
for R.R.1, 2 and 4.

Ms..Monesha
for R.3.

ORDER

This writ petition has been filed to consider the representation of the petitioner dated 3/5/2024 and forbear the functioning of third respondent as representative in National Body of Indian Red Cross Society.

2. The facts in brief are as follows:-

The fourth respondent Society has a democratic set up consisting of all the District representatives in Tamil Nadu having representation in the State branch. The State Managing Committee has to be formed with the elected nominees from the District branches and thereafter, a Managing Committee



will be elected in respect of fourth respondent Society with Office bearers namely, Chairman, Vice-Chairman, Treasurer etc., as per the provisions of Red Cross Societies Act and Uniform Rules. However, without conducting any election, as per the bye-law of the Society, fourth respondent on its own appointed Adhoc Committee headed by Mr.Justice M.Jaichandran (Retired) to manage the day-to-day affairs of the fourth respondent Society. Aggrieved by the same, the petitioner has made a representation before the fourth respondent and the same has not been considered so far. Hence, the petitioner has come forward with the instant writ petition praying for the relief as stated therein.

3. Heard Mr.MA.Gouthaman, learned counsel for the petitioner and Ms.P.Monesha, learned counsel for the third respondent.

4. The learned counsel appearing for the petitioner submitted that his representation to the Secretary General, Indian Red Cross Society, on 3/5/2024 about the violation of the Indian Red Cross Society Act and Rules and the same is unanswered and remain unconsidered till date.

5. The learned counsel appearing for the third respondent submitted



that the writ petition is not at all maintainable either in law or on the facts and circumstances of the case and is liable to be dismissed in limine. The petitioner's claim to be the Life Member of Indian Red Cross Society, Vellore and has bonafide interest in the affairs of the fourth respondent, does not have any locus in filing the writ petition, as he has no right in the IRCS Tamil Nadu Branch or IRCS National Body, which are statutory in nature. The Life Membership of the petitioner in a District Branch does not give any right or interest in the State Branch or the National Body and as such, the petitioner has no locus in filing the writ petition and is seeking to meddle with the affairs with an oblique motive by filing this petition.

6. Perused the materials available on record.

7. The learned counsel appearing for the petitioner submitted that the writ petition as against the third respondent is maintainable and the same was earlier entertained by this Court in W.P.No.1406 of 2024 dated 8/2/2024 (N.SENTHILKUMAR Vs. 1. THE CHAIRMAN, INDIAN RED CROSS SOCIETY, NATIONAL HEADQUARTERS, NEW DELHI 110 003).

8. Admittedly, the Hon'ble Governor of Tamil Nadu has formed an



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Adhoc Committee on 27/1/2023. The Body of Administrators are discharging huge responsibilities with pro bono service. The petitioner and persons aligned to him, who are looking to come into positions in the Indian Red Cross Society, Tamil Nadu branch, for their personal ends are stage managing the show by filing the instant writ petition. In such a view of the matter, instant writ petition is not maintainable under Article 226 of the Constitution of India and hence, the same deserves dismissal.

9. In the result, this writ petition is dismissed as not maintainable.

No costs.

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Index : Yes / No

Neutral Citation: Yes/No

M.DHANDAPANI,J

mvs.



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