



OSA.No.170 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

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CORAM :

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N. SENTHILKUMAR**

**O.S.A.No.170 of 2025
and CMP.No.10913 of 2025**

S.Nakkeeran

.... Appellant

VS

1.A.Arul Mozhi Shivam

2.N.G.Hari Krishnan

3.Socio Economic Service Society,
Represented by its Secretary,
“Variar Illam”
No:24, Sarawathi Street,
Mahalingapuram,
Nungambakkam, Chennai-600 034.

4.The President,
Socio Economic Service Society,
“Variar Illam”
No:24, Sarawathi Street,
Mahalingapuram,
Nungambakkam, Chennai-600 034.

5.R.Ramakrishnan,
President,
Socio Economic Service Society,
“Variar Illam”



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No:24, Sarawathi Street,
Mahalingapuram,
Nungambakkam, Chennai-600 034.

.. Respondents

Prayer : APPEAL filed under Order XXXVI Rule 9 of the Madras High Court Original Side Rules and Clause 15 of the Letters Patent against the interim order passed in Application No.1429 of 2023 in C.S.No.79 of 2022 dated 03.01.2024 on the file of this Court.

For Appellant : Mr.D.R.Raghunath

For Respondents : No Appearance

J U D G M E N T

(Judgment of the Court was delivered by Dr.ANITA SUMANTH.,J)

The suit has been filed by two individuals, who are members of the Socio Economic Service Society praying for a declaration that Executive Committee Resolution No.198.08 passed on 29.01.2022 by the Socio Economic Service Society/D1 in the suit to demolish the building on the suit property and re-construct the same is illegal, null and void and ultravires the objects and bye laws of D1 society.

2. The second prayer is for a permanent injunction restraining the defendants from demolishing the building on the suit property until such time it was declared to be unsuitable by the competent authorities and for



costs and any other prayer that the Court may deem necessary.

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3. The present appeal has been filed by one S.Nakkeeran, who claims to have part of the Executive Committee that passed the resolution in respect of which declaration is sought, as against the order rejecting Application No.1429 of 2023 seeking to implead himself in the matter.

4. Learned Judge has rejected the implead application on the following reasoning:

3. The counter has been filed by the defendants 1 to 3 objecting the impleadment of the applicant as a defendant on the ground that the applicant is also a member of the building committee and majority of the committee members have approved the decision of the demolition of the building for reconstruction, now the applicant cannot be impleaded.

.....

5. The entire suit itself is proceeded to challenge the decision taken in the Executive Committee to demolish the building of the Society for the purpose of reconstruction. According to the plaintiff, the building cannot be demolished, structural stability is good and cannot be demolished at this stage and only the General Body has absolute power to take a decision.

6. Since the very issue itself is with regard to the decision taken in the Executive Committee, whether such committee meeting will prevail over the General Body or whether the General Body alone is ultimate authority could be seen on the basis of the Bye-laws on trial. Such being the position, merely because the applicant opposes the decision of the General Body, he cannot be impleaded as a matter of right. Accordingly, this application stands dismissed. If at all the applicant wants to prove his stand, he can be examined on behalf of the plaintiff.



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5. Naturally, the plaintiffs do not object for impleadment of the present appellant as he espouses their case. We are in agreement with the conclusion of the learned Judge to the effect that there was no necessity to implead the appellant.

6. In addition to the reasoning already set out in his order, we also note that the decision as to whether the property should be demolished, i.e., whether resolution passed in the Executive Committee is correct or not as it is the main prayer in the suit and as that is pursued by the plaintiffs in suit there is no necessity for any other party to also pursue the same relief.

7. Needless to say, it is always open to the plaintiffs to obtain supporting material, if any, that they need to buttress their case from concerned persons, including the appellant herein. In light of the aforesaid, we find no merit in this appeal and dismiss the same. No costs. Connected Miscellaneous Petition is closed.

[A.S.M., J] [N.S., J]
07.08.2025

sl
Index:Yes/No
Speaking order



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Neutral Citation: Yes

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To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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DR. ANITA SUMANTH,J.
and
N. SENTHILKUMAR.,J

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