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A.No.2600 of 2025
in C.S.No.173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

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in C.S.No.173 of 2023

1. M.Ramalingam
2. R.T.Kannan
3. R.Radhakrishnan
4. S.Alagesan

...Applicants

..Vs..

1. M/s.South Indian Sengunatha Mahajana Sangam,
Represented by its General Secretary,
R.P.Kumaragurubaran,
No.58, Armenian Street, Chennai – 600 001.
2. K.P.K.Selvaraj
President, M/s.South Indian Sengunatha Mahajana Sangam,
No.58, Armenian Street, Chennai – 600 001.
3. R.P.Kumaragurubaran
General Secretary,
M/s.South Indian Sengunatha Mahajana Sangam,
No.58, Armenian Street, Chennai – 600 001.
4. R.Gandhi
Treasur, M/s.South Indian Sengunatha Mahajana Sangam,
No.58, Armenian Street, Chennai – 600 001.



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5. M.E.Jayaraman
6. J.Babu
7. M.Mylappan
8. V.Ramdas
9. R.Dhandapani
- 10.R.Rajendran
- 11.T.P.Saravanan
- 12.A.Annadurai
- 13.Gnanasekaran
- 14.S.Karthikeyan
- 15.N.Adithiya
- 16.P.G.Ramanathan
- 17.Prabhoji

... Respondents

- 18.The Hon'ble Justice P.N.Prakash (Retd.)
The Hon'ble Election Officer,
No.32, Lalithalayaa,
First Cross Street,
Kilpauk Garden Colony,
Chennai 10.

... Proposed respondent

Prayer: This application is filed under Order XIV Rule 8 of the Original Side Rules r/w Order I Rule 10(2) of CPC, seeking to implead the Election Officer/18th respondent as 18 defendant in the suit in C.S.No.173 of 2025.

For Applicants : Ms.R.Thilagavathy, Senior Counsel for
M/s.D.Kanagasundaram

For Respondents : Mr.T.M.Pappiah for RR1 to 4
Mr.S.P.Chokkalingam for RR5, 9,



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11, 13 and 15 – No Appearance
Mr.G.Karthikeyan, Senior Counsel
for M/s.A.Jegadeeswari for R16
R6 – Unserved
R7, R8, R10, R12, R14 and R17
– Served – No Appearance

ORDER

This application has been filed to implead the proposed respondent as 18th defendant in the above suit.

2 Learned Senior Counsel for the applicants would submit that the present suit was instituted seeking declaration and injunction relief in respect of the administrations of the first defendant Sangam, challenging the acts of mismanagement, non compliance with the Bye-laws of 1938 as modified in 1982, and other irregularities committed by the erstwhile office bearers of the first defendant Sangam. Pursuant to the order of this Court dated 20.06.2024 in O.A.Nos.756, 757 and 758 of 2022 and A.No.4612 of 2023 in C.S.No.173 of 2023, the retired Judge of this Court Hon'ble Mr.Justice.P.N.Prakash was appointed as Election Officer to conduct election



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for the office bearers of the first defendant Sangam by convening Annual General Body Meeting for enumeration of branch office, district office and eligible number of representatives to the executive committee of the first defendants Sangam. The said direction was essential to be complied with by the Election Officer as the tenure and term of the preceding elected body expired on 31.01.2023. There was no manner in which the Office Bearers, whose term had already expired, could conduct elections for the 30 District Sangams, as reported by the Election Officer in his interim report dated 23.07.2024 and as confirmed in his second interim report dated 22.01.2025.

2.1 Further the entire election process at the branch and District Sangam levels was to be overseen by the Election Officer appointed by this Court. Despite this, there has been an absolute disregard of the said direction. This is particularly relevant to relief (i) as sought for in the present suit, as the preceding elected body, by assuming to continue its tenure beyond June 2023, conducted election for 30 District Sangams, which is *per se* invalid.



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2.2 This Court also passed orders dated 11.11.2024 in A.Nos.5685, 4698 and 4538 of 2024 in C.S.No.173 of 2023 that 16 members, who were expelled, can also participate in the election process, but the said direction was not complied with by the Election Officer. Despite such non compliance, a further direction dated 16.12.2024 in A.No.6579 of 24 was also issued reiterating the mandate that the Election Officer should include the suspended members in the election process. However the election was not conducted after the order dated 11.11.2024 by including the 16 members, who were expelled. Therefore for effective disposal of the case, it is necessary to implead the Election Officer as a party defendant to the suit.

3 Learned counsel for the respondent would contend that already this Court vide order dated 20.06.2024 appointed the retired Judge of this Court Ho'nble Mr.Justice.P.N.Prakash, as an Election Officer and after conducting election, result was declared and the Election Officer has filed report, which was accepted by this Court. Now the applicants have filed the



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present application to implead the Election Officer only to drag on the proceedings and the impleadment of the Election Officer is no way essential to decide the suit and his presence is not at all required. The Election Officer is neither a proper nor necessary party and without his presence the suit can be disposed of effectively. If the applicants/plaintiffs have any grievance on the conduct of elections, they can very well institute a fresh suit, for the same. Therefore the present application is liable to be dismissed.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 The applicants have come up with this application seeking impleadment of the Election officer as 18th defendant in the main suit. The main suit was instituted for declaratory and injunctive reliefs in respect of the administration of the first defendant Sangam. This Court vide its order dated 20.06.2024 in O.A.Nos.756, 757 and 758 of 2022 and A.No.4612 of 2023 in C.S.No.173 of 2023, appointed the retired Judge of this Court



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Hon'ble Mr.Justice.P.N.Prakash, as an Election Officer to conduct election for Office Bearers of the first defendant Sangam. Subsequently the Election Officer conducted election and declared the results on 16.03.2025, which was also accepted by this Court. Now the applicants/plaintiffs have filed this application to implead the Election officer citing some irregularities in the conduct of the election by the Election Officer.

6 This Court, after hearing the arguments advanced by both the learned counsel in the application in A.No.3192 of 2025 seeking amendment of the plaint, came to the conclusion that the amendment sought for by the applicants/plaintiffs will alter the nature and character of the suit, which will cause much inconvenience, embarrass and delay the trial and hence dismissed the application. Now in this application seeking impleadment of the Election Officer as a party to the suit, the applicants nowhere stated how the impleadment of the Election Officer is essential to decide the suit, particularly, when he is not a part of the original cause of action pleaded in the plaint.



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7 Moreover, the applicants made unnecessary comments upon the immunity to the Election Officer, who is a retired Judge of this Court, especially when the respondents have not objected this impleadment on the ground of immunity to the retired Judges of this Court. However, this Court finds no necessity for the impleadment of the Election Officer. Even assuming that there are deviations and violations of the procedures in the conduct of the election, the same can be addressed before this Court and this Court will pass appropriate orders, if the applicants/plaintiffs are able to convince this Court.

8 Therefore this Court is of the view that impleadment of the Election Officer as defendant in the suit, is unnecessary, since he is neither proper nor necessary party and without his presence, the suit can be disposed of effectively.

9 This application, even though deserves to be dismissed



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with heavy cost, considering the grievances of the applicants, this Court is not inclined to impose any cost and the application stands dismissed as devoid of merit and substance.

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P.DHANABAL, J.

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