



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

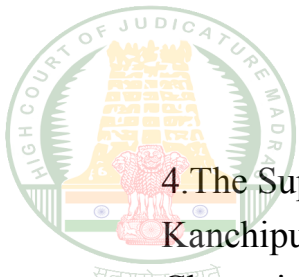
**WP No. 30170 of 2025
and WMP No. 33841 of 2025**

Pattali Makkal Katchi
Rep by its General Secretary
Mr.Murali Sankar
Thailapuram, Dindivanam,
Villupuram District.

Petitioner(s)

Vs

- 1.Dr.R.Anbumani
Executive President
Pattali Makkal Katchi.
No.10, Thilak Street,
T.Nagar, Chennai- 600 017.
- 2.The Secretary to Government
Home Department Government of
Tamil Nadu,
Fort St. George, Chennai- 600 009.
- 3.The Director General of Police
Police Head Quarters,
South Beach Road, Chennai.



4. The Superintendent of Police
Kanchipuram,
Chennai- 631 501.

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Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent for stopping the convening of said general body meeting by the first respondent which is not only an outcome of illegality and also an outcome of greedy intention of the first respondent.

For Petitioner(s): Dr.K.Arul

For Respondent: Mr.N.L.Rajah
Senior Counsel for
Mr.K.Balu for R1

Mr.E.Vijay Anand
Additional Government Pleader
for R2

Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.V.Meganathan
Government Advocate
for R3 & R4

**ORDER**

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This writ petition has been filed for issue of writ of mandamus directing the 2nd Respondent not to permit the convening of General Body Meeting by the 1st respondent.

2.The case of the petitioner is that he is the General Secretary of the Pattali Makkal Katchi (PMK). He has stated that the Party was founded in the year 1989 by Dr.S.Ramadoss. The 1st respondent was appointed by the founder as the President on 28.05.2022 for a period of three years up to 28.05.2025. The tenure of the 1st respondent expired and steps are being taken to appoint a new President of the Party from 29.05.2025. For carrying out this process, a General Body must be convened and for this purpose, the founder of the Party was nominated as the new President from 29.05.2025, with a view to ratify the same by the competent body in the due course.

3.The grievance of the petitioner is that the 1st respondent who is no longer the President, was illegally attempting to convene the General Body



Meeting on 09.08.2025. Hence, representation was made to the Director

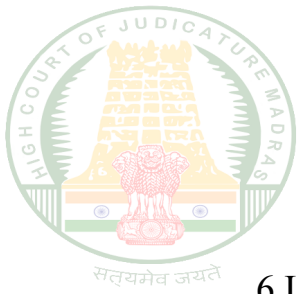
General of Police to stop the illegal meeting conducted by 1st respondent, since

it may result in law and order problem. Since the same was not considered, the

present writ petition has been filed before this Court.

4. When the writ petition came for hearing during the morning session, considering the fact that the founder of the Party and the 1st respondent are father and son and they have worked together for a long time for the welfare of the Party and people at large, this Court thought it fit to attempt a mediation between the founder and the 1st respondent. Accordingly, the matter was directed to be called in the Chamber at 5.30 p.m. and this Court directed the founder of the Party and the 1st respondent to be present in person.

5. The founder of the Party through a typed communication informed that since he is not doing well and is not in a position to undertake a travel from Thailapuram, Villupuram District, requested that he will appear in the VC mode. The 1st respondent expressed his intention to come in person.



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6.I made an attempt to mediate between the founder of the Party and the 1st respondent to see if they are able to patch up their differences. Inspite of best efforts, I found that the founder was not prepared to talk with the 1st respondent. Hence, I decided to hear the case on merits in my Chamber.

7.Heard Dr.K.Arul, learned counsel appearing on behalf of the petitioner, Mr.N.L.Rajah, learned Senior Counsel appearing on behalf of the 1st respondent, Mr.E.Vijay Anand, learned Additional Government Pleader appearing on behalf of the 2nd respondent and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing on behalf of respondents 3 and 4.

8.The learned counsel for the petitioner submitted that the tenure of the 1st respondent has expired on 28.5.2025 and he does not have the right to convene the General Body Meeting. That apart, there is violation of the by-laws of the Party. The attempt made by the 1st respondent to convene the meeting even without calling the founder is on the face of it illegal. That apart, if the



meeting goes on, it may result in law and order problem and it will only further aggravate the situation. Therefore, the learned counsel for the petitioner pleaded that the meeting that is going to be convened tomorrow must be stopped.

9.The learned Additional Public Prosecutor appearing on behalf of respondents 2 to 4 submitted that there is going to be a closed door meeting tomorrow and it does not require any permission from the Police. However, if there is any law and order problem, the police will intervene and bring the situation to normalcy.

10.The learned counsel for the 1st respondent questioned the very maintainability of this writ petition on the ground that the private dispute between the founder and the 1st respondent can't be decided in a writ petition. He further justified the convening of meeting by placing reliance upon the various by-laws of the Party.



11. This Court has carefully considered the submissions made on either side and the materials available on record.

12. The entire dispute in the case in hand revolves around an unfortunate ego clash between the father and son. The father is the founder of Party and the 1st respondent is his son. For various reasons, they are not able to see eye to eye and as a result, there is division within the Party with some supporting the founder and others supporting the 1st respondent.

13. The grounds raised on the side of the petitioner is that the General Body Meeting convened by 1st respondent is illegal and against the by-laws. Per contra, the contention raised on side of the 1st respondent is that the Meeting is properly convened by the elected General Secretary and therefore, there is no violation of the by-laws.

14. The issue as to whether the meeting is properly convened by the 1st respondent as per by-laws, is not a matter which can be gone into in a writ



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petition. It is purely a private dispute within the Party as between the founder and the 1st respondent. Hence, it is not necessary for this Court to deal with all the grounds raised by the learned counsel for the petitioner and the learned counsel for the 1st respondent, touching upon the by-laws. At the best, it can only be a subject matter of civil proceedings where the so-called illegality in convening the General Body Meeting and electing the President can be questioned.

15. As already observed *supra*, a private dispute between the father and the son can never be dealt with in a writ petition. A writ petition is normally not maintainable as against a private person in the absence of a public duty component. Useful reference can be made to the judgement of the Apex Court in ***S. Shobha vs. Muthoot Finance Ltd.***, reported in **2025 4 CTC 327** and the relevant portions are extracted hereunder:

9. *We may sum up thus:*

(1) *For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been*



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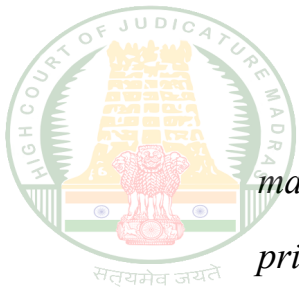
entrusted with such functions as are Governmental or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental.

(2) A writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any Statute, to compel it to perform such a statutory function.

(3) Although a non-banking finance company like the Muthoot Finance Ltd. with which we are concerned is duty bound to follow and abide by the guidelines provided by the Reserve Bank of India for smooth conduct of its affairs in carrying on its business, yet those are of regulatory measures to keep it a check and provide guideline and not a participatory dominance or control over the affairs of the company.

(4) A private company carrying on banking business as a Scheduled bank cannot be termed as a company carrying on any public function or public duty.

(5) Normally, mandamus is issued to a public body or authority to compel it to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of



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mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public duty.

(6) Merely because a statute or a rule having the force of a statute requires a company or some other body to do a particular thing, it does not possess the attribute of a statutory body.

(7) If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action.

(8) According to Halsbury's Laws of England, 3rd Ed. Vol.30, 12 p.682, "a public authority is a body not necessarily a county council, municipal corporation or other local authority which has public statutory duties to perform, and which perform the duties and carries out its transactions for the benefit of the public and not for private profit". There cannot be any general definition of public authority or public action. The facts of each case decide the point.

16. In the case in hand, none of the parameters fixed by the Apex Court are satisfied and this Court does not find even a semblance of public



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function/duty involved in this writ petition. An attempt has been made by the petitioner to maintain the present writ petition by stating that no permission has

been granted by the police and there is a likelihood of a law and order problem.

In the first place, police permission is not required for a closed door meeting of a political party. If at all any law and order problem is created, the police will handle the same and take action against the concerned persons in accordance with law.

17. In the light of the above discussion, this Court does not find any ground to grant the relief as sought for by the petitioner in this writ petition and accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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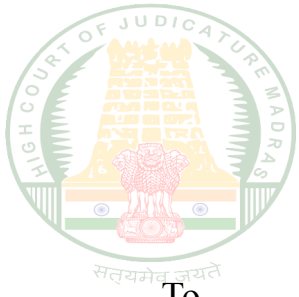
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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- 1.The Secretary to Government
Home Department Government of Tamil Nadu,
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- 2.The Director General of Police
Police Head Quarters, South Beach
Road, Chennai.
- 3.The Superintendent of Police
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WP No. 30170 of 2



N.ANAND VENKATESH J.

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