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O.S.A.No.287 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

O.S.A.No.287 of 2025

and

C.M.P.Nos.21563 and 21564 of 2025

1. Capt. Dr. Balaram Biswakumar
2. Major Dr.D.Raja
3. Bharat venkat Epur

... Applicant(s)

Vs.

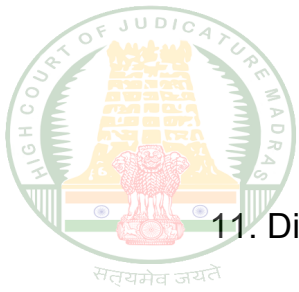
1. The Grand Lodge of India,
Free Masons Hall,
Janpath, New Delhi – 110 001.
2. Supreme Council 33 of the Ancient
and Accepted Rites for India,
Rep. by Grand Secretary General,
Free Masons Hall,
Damodaradas Sukhadwala Road,
Opposite: Sterling Theatre, Fort,
Mumbai – 400 001.
3. Grand Council of the Order of the
Allied Masonic Degrees in India,
Rep. by Grand Secretary,
Free Masons Hall, 14, Ethiraj Salai,
Egmore, Chennai – 600 008.
4. Grand Council of the Order of Royal
and Select Masters in India,



Rep.by Grand Recorder,
Freemasons Hall, 14, Ethiraj Salai,
Egmore, Chennai 600 008.

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5. Grand Court of the Masonic Order of Athelstan in India,
and its Provinces and Courts Overseas,
Rep.by Grand Secretary,
Freemasons Hall, 14, Ethiraj Salai,
Egmore, Chennai -600 008.
6. Region of India, The Worshipful Society of Free Masons,
Rough Masons, Wallers, Slaters, Paviers,
Plaisterers and Bricklayers (The Operatives)
Rep.by Regional Clerk,
Freemasons Hall, 14, Ethiraj Salai,
Egmore, Chennai -600 008.
7. Province of South and South East Asia
Grand Council of Knight Masons,
Rep.by Provincial Grand Secretary,
Freemasons Hall, 14, Ethiraj Salai,
Egmore, Chennai -600 008.
8. India District No.62
Grand College of Holy Royal Arch
Knight Templar Priests and Order of Holy Wisdom,
Rep.by District Recorder Mr.Ashok Gopalan,
No.5, Maraimalai Adigal Street,
Razack Garden, Arumbakkam,
Chennai 600 106.
9. Province of India, Societas Rosicruciana in Anglia
Rep.by Provincial Secretary Mr.Ashok Gopalan,
No.5, Maraimalai Adigal Street,
Razack Garden, Arumbakkam,
Chennai 600 106.
10. Garuda Temple No.6
The August Order of Light, Rep.by Registrar,
Freemasons Hall, 14, Ethiraj Salai,
Egmore, Chennai 600 008.



11. District Grand Senatus of Southern India,
Ancient and Masonic Order of the Scarlet Cord of the British
Isles and its Districts and Consistories Overseas
Rep.by District Grand Recorder, Freemasons Hall, 14,
Ethiraj Salai, Egmore, Chennai 600 008.

12. Grand Conclave in India,
Rep.by Grand Recorder, Freemasons Hall, 14,
Ethiraj Salai, Egmore, Chennai 600 008.

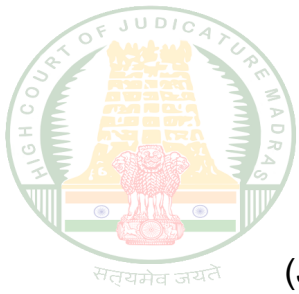
13. The Grand Royal and Select Masters in India,
Rep.by Grand Recorder, Freemasons Hall, 14,
Ethiraj Salai, Egmore,
Chennai 600 008.

... Respondent(s)

Prayer: Original Side appeal filed under Clause 15 of Letters Patent r/w
order 36 Rule 9 of the Original Side Rules to set aside the order dated
08.08.2025 made in Application No.2296 of 2025 in CSD No.55987 of
2025 and consequently to grant leave to the appellants herein/ plaintiffs to
institute the above suit.

For Applicant(s) : Mr.Arvind P.Dater,
Senior Counsel
for Ms.Aishwariya P G

For R1 : Mr.V.P.Sengottuvel,
Senior Counsel
for Mr.K.A.Ramakrishnan
and Mr.Y.T.Aravind Gosh



J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

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The present Original Side Appeal has been instituted to assail the order dated 08.08.2025 made in Application No.2296 of 2025 in CSD No.55987 of 2025.

2. The appellants, in the present appeal, have instituted a suit for declaration and permanent injunction. Along with the suit, an application has been instituted seeking leave of the court, since the defendants 1 and 2 reside outside the territorial jurisdiction of the Original Side of the Madras High Court.

3. The application was adjudicated and the learned Single Judge dismissed the petition mainly on the ground that the plaint has been drafted cleverly and the plaintiffs have not established cause of action, even in part, and the circular under challenge has been issued by the first defendant at Delhi. Thus, the suit has been instituted before the wrong forum.



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4. The learned Senior Counsel, Mr.Arvind P.Dater, would contend that, it is not only the part cause of action, Clause XII Letters Patent expressly indicates that, “it is sufficient if any one of the defendant reside within the territorial jurisdiction”, and on that ground, the learned Single Judge ought to have granted leave. That apart, the circular under challenge issued by the first defendant at Delhi implicates that all the members of the Grand Lodge of India across the country and large number of members are residing in South India, more particularly in Chennai. That being so, the circular would affect their rights, interests and participation in the affairs of the Grand Lodge of India. Therefore, not only part cause of action has arisen, but the defendants 3 to 13 are having residences in Chennai.

5. The learned Senior Counsel, Mr.V.P.Sengottuvel, would strenuously oppose by stating that the plaintiffs have to establish clear cause of action. In the present case, there is absolutely no cause of action. The circular under challenge has been issued by the first defendant at Delhi and, more so, the speech made by the Grand Master at Nandambakkam would not fall under the territorial jurisdiction of the Original Side of Madras High Court. Further, the defendants 3 to 13 are not



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having offices at Chennai city except the twelfth defendant. No proof has been enclosed by the plaintiffs to establish that the defendants 3 to 13 except the twelfth defendant are having office at Chennai City. Since the suit has been instituted without establishing any cause of action and no relief claimed against defendants 3 to 13, the learned Single Judge is right in rejecting the application filed seeking leave of court.

6. This court heard the rival submissions made between the parties to the lis.

7. Perusal of the copy of the plaint shows that the first declaration is sought for against the first defendant. However, the second declaration is that Circular No.86/18 dated 05.09.2024 and the subsequent follow-up circulars, all issued by the first defendant, are null and void and are not binding upon the Brethren at large, as they are contradictory to the principles of freemasonry, violative of the Book of Constitutions of the defendant Grand Lodge, against the law of the land, as well as against the Fundamental Rights under Article 19 of the Constitution of India.

8. The third prayer is for permanent injunction restraining the first defendant, their officers, agents and servants or anybody acting on their



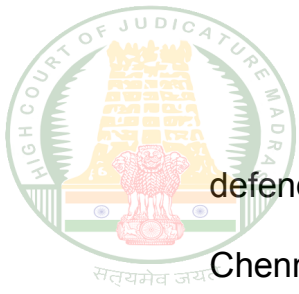
behalf in any manner interfering with the functioning of the defendants 2 to 11, as regards advanced degrees and expulsion of their members.

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9. The fourth prayer is for permanent injunction restraining the first defendants, their officers, agents or servants or anybody acting on their behalf from in any manner interfering with the peaceful operation and running of the defendants 2 to 11 as advanced degrees.

10. The circular dated 05.09.2024 has been addressed to the Secretaries of all Daughter Lodges. Therefore, the letter has got all-India repercussion and would implicate all the members of the Grand Lodge of India across the country. It is not only the said circular; the plaint relief shows that all subsequent follow-up circulars were also issued by the first respondent. Therefore, the other circulars issued pursuant to the Master circular implicating the members all over the country would certainly provide cause for the members at Chennai to institute the suit seeking appropriate relief on the Original Side of the Madras High Court.

11. It is not in dispute that the address of the defendants 3 to 13, as stated in the plaint, would indicate that they are having office at Chennai. Though it is disputed by the respondents that except the twelfth



defendant, no other defendants from 3 to 13 are having any office at Chennai city, it is a ground to be adjudicated on merits and, at this stage, for the purpose of rejecting an application to grant leave, such grounds need not be considered.

12. The respondents have admitted that the twelfth defendant is having office at Chennai. Atleast one defendant is running office at Chennai. In the context of the said admitted position, let us now consider the scope of Clause XII of the Letters Patent. Clause XII expressly states that “if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the defendant at the time of the commencement of the suit shall dwell or carry on business, or personally work for gain, within such limits.” Therefore, it would be sufficient that any one of the defendant resides or is running a business or working for gain for the purpose of satisfying the cause of action.

13. In this context, the learned Senior Counsel for the appellants would rely on the judgment of the Division Bench of Madras High Court in the case of ***State of Uttar Pradesh Cricket Association -vs- The Board***

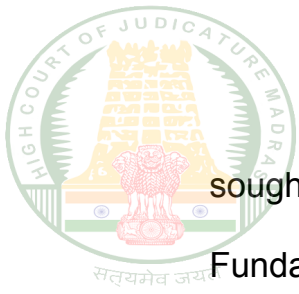


for Control of Cricket in India¹, wherein following observations are made:-

“25. As rightly pointed out by the learned Senior Counsel appearing for the appellant/plaintiff, before the single Judge, the filing of Suit by Honorary Treasurer was not at all made an issue. Even while holding that the Plaintiff Association is entitled to institute the suit, the learned Judge appears to have suo motu taken up the issue and rejected the Suit on the ground that the Suit instituted by the Honorary Treasurer is contrary to Bye-law No. 34. Pointing out that there are no averments as to why the Suit was instituted through Honorary Treasurer and not through the Honorary Secretary, the learned Judge rejected the Suit on the ground that the Suit has not been properly instituted. In our considered view, the learned Judge was not right in suo motu taking up the issue, recording findings to the prejudice of the Appellant/Plaintiff and rejecting the plaint on that score and further learned single Judge has observed that though Bye-Law No. 34 enables the Association to sue through the Honorary Secretary, contrary to the said Bye-law, a resolution was passed at the Extraordinary General Meeting of the Appellant Association on 2.7.2006 at Lucknow authorising the Honorary Treasurer to sign papers and pleadings in legal proceedings. The learned Judge further held that the words “or otherwise” in paragraph 51 of Judgment of Supreme Court in (2003) 8 SCC 413 that in a litigation, it must be represented through a person authorised in this behalf either in terms of its bye-laws “or otherwise”, cannot come to the aid of the appellant in the absence of a specific provision in the Bye-laws to pass such a resolution.”

14. Coming to the plaint again, Paragraph No.26(b), the relief

¹ 2011 5 LW 838



sought for would indicate that the issue raised is about infringement of the Fundamental Rights enunciated under Article 19 of the Constitution of India. When such a relief is sought for, in respect of individual members, then this court has no hesitation in forming an opinion that cause has arisen for the plaintiffs to institute the suit.

15. Undoubtedly, the grounds raised by the respondents are to be adjudicated by the Trial Court at the appropriate stage. However, nibbing in the bud, at all circumstances, is not desirable, since an opportunity of adjudication need not be taken away based on certain grounds on presumptions and assumptions.

16. In the present case, the implications are not disputed by the respondents. The Grand Lodge of India is having members all over the country. The circular dated 05.09.2024 would apply to all the members across the country and a large number of members are residing at Chennai.

17. Considering the overall facts and circumstances, it is not a case where the application seeking leave is to be rejected. On the contrary,



no prejudice would be caused if the parties are allowed to adjudicate the issues on merits, based on the documents and evidences etc.,

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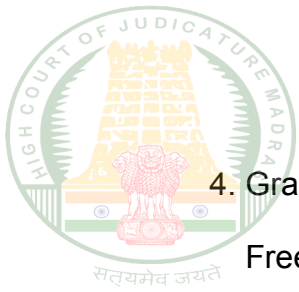
18. For all these reasons, the impugned order dated 08.08.2025 made in Application No.2296 of 2025 in CSD No.55987 of 2025, is set aside and the Original Side Application stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (M.S.Q.,J.)
19.09.2025

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Index : Yes
Speaking order

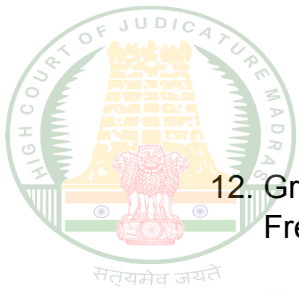
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6. Region of India, The Worshipful Society of Free Masons,
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