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A. Nos.265 and 504 of 2025

in

C.S. DR No.173665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. Nos.265 and 504 of 2025

in

C.S. DR No.173665 of 2024

Manithaneya Jananayaga Katchi
represented by its General Secretary
Mr S.S. Haroon Rasheed
for himself and members of the
Manithaneya Jananayaga Katchi (MJK),
in the representation capacity .

... Applicant / Plaintiff
[common in both applications]

Vs.

1. Thameemum Ansari
S/o. Mohammed Ali

2. Mohamed Nazar
S/o. Moula Gani Gafoor

3. Mohamed K Saleem

4. T.K. Basheer Ahmed

President, Manithaneya Jananayaga Katchi ... Respondents / Defendants

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A. Nos.265 and 504 of 2025
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[common in both applications]

1.

PRAYER in A. No.265 of 2025: This application has been filed under Order XIV Rule VIII of Original Side Rules read with Order I Rule 8 of Civil Procedure Code praying to grant permission to Mr. S.S. Haroon Rasheedh, the General Secretary of the Plaintiff to sue in the above Suit on behalf of and for all the members of the Manithaneyya Jananayaga katchi (MJK) Political party.

PRAYER in A. No.504 of 2025: This application has been filed under Order XIV Rule VIII of Original Side Rules read with Order I Rule 8 of Civil Procedure Code praying to grant leave to sue the applicant / Plaintiff to file the above Suit in this Court as the respondents 1 and 2 are residing outside the jurisdiction of this Court and part of cause of action has arisen within the jurisdiction.

In both applications:

For Applicant : Mr. P. Srinivas, Senior Counsel
for M/s. Mythili Srinivas

For Respondents:



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A. Nos.265 and 504 of 2025

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R1 to R3

Mr. N.S. Amogh Simha

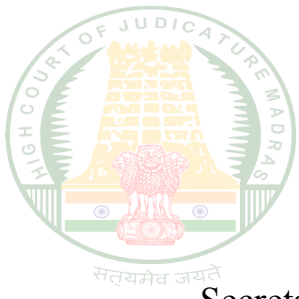
R4

Mr. E. Tamilarasan

COMMON ORDER

These applications have been filed by the applicant to grant leave to sue the Plaintiff as against the defendants 1 and 2, who are residing outside the jurisdiction of the Court and part of cause of action arose within the jurisdiction of this Court and to grant leave to sue applicant / Plaintiff to grant permission to sue in the Suit on behalf of and for all the members of Manithaneya Jananayaga Katchi political party.

2. According to the applicant, he is the representative of the Plaintiff namely Manithaneya Jananayaga Katchi, which is a political party founded and formed in the year 2016 and the same was registered as a Political Party. At the time of registration of Plaintiff political party, the 4th defendant was designated as its President and one Sheikh Ibrahim was the General



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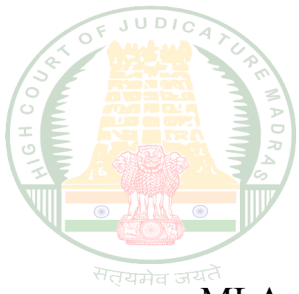
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Secretary, Syed Mahabu Subhuhani was the Vice President and Jain

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Allahbuddin was its Treasurer. There were about 100 other members and the Plaintiff also registered itself as a political party in the Election Commission of India and is governed by its bylaws / Constitution. The 1st defendant joined the Plaintiff Manithaneyya Jananayaga Katchi (MJK) as a member in the year 2016 and he is shown as the General Secretary. Thereafter, in the year 2016, the Plaintiff political party also participated in the Tamil Nadu State Election and the alliance with the All India Anna Dravida Munnetra Kazhagam political party and 2 seats were allotted in the Nagapattinam constituency and Vellore constituency. In Nagapattinam Constituency, the 1st defendant was declared as candidate and in Vellore Constituency Mr. S.S. Haroon Rashid was declared as the candidate and both of them contested in the symbol 'two leaves' of AIADMK.

2.1. The 1st defendant was elected as Nagapattinam Constituency



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MLA, whereas the representative of the Plaintiff political party Mr. S.S.

Haroon Rashid contested from the Vellore Constituency was not successful.

Thereafter, the said Mr. S.S. Haroon Rashid joined back the Plaintiff political

party as a member, whereas the 1st defendant continued as a MLA till May

2021. Thereafter, the Executive Committee of the Plaintiff was convened on

02.11.2022 and resolved to convene the general body meeting on 10.12.2022

to conduct the elections for the next set of office bearers of the political party.

The meeting of the political party was held on 10.12.2022 and the 4th

defendant was elected as President, Syed Mahabu Subbuhani as Vice

President, Mr. Haroon Rashid was elected as General Secretary and

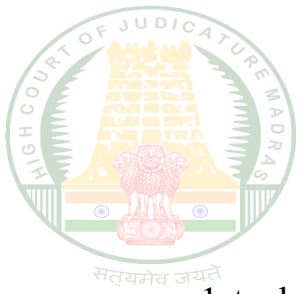
N.A. Thymiah was elected as the Treasurer of the Plaintiff Manithaneyya

Jananayaga Katchi. Further six more persons were elected as the members of

the Executive Committee of the Plaintiff. The results of the above said

Elections were also communicated to the Election Commission of India

through the Plaintiff's letter dated 22.02.2023. During the tenure as MLA, the

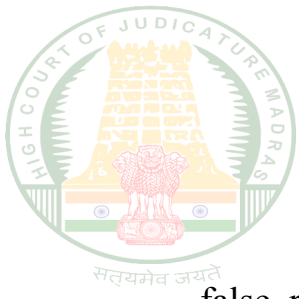


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1st defendant totally alienated himself from the Plaintiff Manithaneya

Jananayaga Katchi party and its members.

2.2. After his tenure as MLA, he wanted to take over the Manithaneya Jananayaga Katchi, which was opposed by other founder Members and the members of the said political party. Therefore, the 1st defendant created a forged letter dated 17.10.2022 in the letter pad of the Plaintiff political party, fabricating and forging the signature of the 4th defendant and creating a false document purporting to be the letter of the 4th defendant resigning from the post of the President of the Manithaneya Jananayaga Katchi. The said letter has been sent by the 1st defendant and his accomplices to the Election Commission of India and the Election Commission of India sent a copy of the same to the Plaintiff Manithaneya Jananayaga Katchi. That is a false and forged resignation letter which had been executed by 1st and the 2nd defendants and their group. The 1st defendant and his group also created a



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false resolution of the Executive Committee of the Plaintiff Manithaneya

Jananayaga Katchi to have been held on 08.10.2022 and created false document as though the general body election of the party to conduct elections for the post of the President, General Secretary and Treasurer of the political party was to be held on 24.12.2022. The 1st defendant also arranged for appointment of the 3rd defendant an unknown person as election officer.

The 3rd defendant as Election Officer created records as if he sent a notice dated 01.11.2022 to all the members of the Plaintiff Manithaneya Jananayaga Katchi that the general body meeting of the Plaintiff was to be held on 24.12.2022 at Imperial Mahal, Egmore, Chennai.

2.3. In pursuance of the above said created documents, again they created forged proceedings and records as if the general body meeting of the Plaintiff took place on 24.12.2022 at Egmore. Mr. S.S. Haroon Rashid never attended the general body meeting dated 24.12.2022, but it is shown as if he



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has attended and signed in the attendance register. His signature has been

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forged. Therefore, the Plaintiff filed the Suit to pass a Judgment and decree

(i) of declaration that the Executive Committee meeting of the Manithaneya

Jananayaga Katchi said to have been held on 08.10.2022 at Iliayankudi

Sivagangai District is illegal, (ii) of declaration that the General Body

meeting of the Manithaneya Jananayaga Katchi said to have been held on

24.12.2022 at the Imperial Mahal, Egmore, Chennai and the elections

conducted there to post of Office Bearers of the Manithaneya Jananayaga

Katchi is void and illegal, and (iii) permanent injunction restraining the

defendants 1 to 3 from in any manner acting of the Office Bearers of the

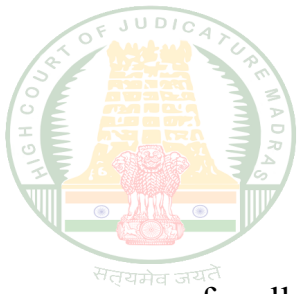
Plaintiff Manithaneya Jananayaga Katchi and in any manner interfering with

its affairs. Since the respondents are residing outside the jurisdiction of this

Court and a substantial part of cause of action arose within the jurisdiction of

this Court, the applicant / Plaintiff being the General Secretary of the

Manithaneya Jananayaga Katchi political party filed the Suit on behalf of and



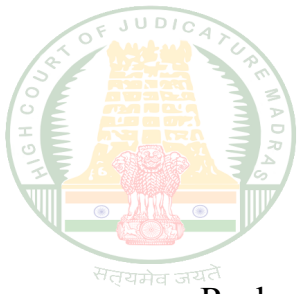
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for all the members of the party and has filed these applications.

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3. The respondents filed a counter denying the averments made in the applications and without satisfying the ingredients of Order XIV Rule VIII of Original Side Rules of this Court, the Plaintiff have filed the Suit. The respondent is the President of the Manithaneyya Jananayaga Katchi. Mr. S.S. Haroon Rasheed has no right or authority whatsoever to call himself as the General Secretary or to file a Suit in the name of the party being represented by him. The said Mr. S.S. Haroon Rasheed is a complete stranger to the party having been removed as the Treasurer of the Party on 07.02.2023 and having been suspended on the same day before being expelled from his primary membership as early as on 28.02.2024 itself. He was present at the said meeting on 07.02.2023, when he directly indulged in antiparty activities and the disciplinary action against him was based on the complaints received from the various District Secretaries of the party. The said Mr. S.S. Haroon

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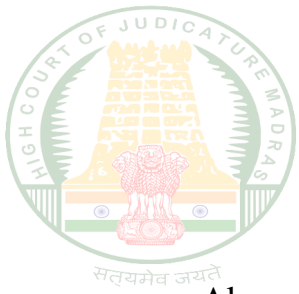
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Rasheed, also admitted to his knowledge of the removal and the incidents in his social media posts and addresses in public. In fact, his removal was also published in newspapers on 19.02.2023. The said removal was not challenged by the said Mr. S.S. Haroon Rasheed. Therefore, he has no locus standi to file Civil Suit in the representing capacity.

3.1. Already the 4th defendant filed a Suit in C.S. 47 of 2024 as against the 1st defendant and the same has been suppressed by Mr. S.S. Haroon Rasheed. The said Suit was posted for dismissal as the Court felt that the Plaintiff was frivolous and without making the political party as party to the Suit. The present Suit has been filed after thought and is seeking similar relief in the name of the political party, which itself is illegal and renders the entire proceedings untenable. The 4th defendant T.K. Basheer Ahmed is shown as President of the Manithaneya Jananayaga Katchi in the cause title clearly establishes the fact that Mr. S.S. Haroon Rasheed and Mr. T.K. Basheer

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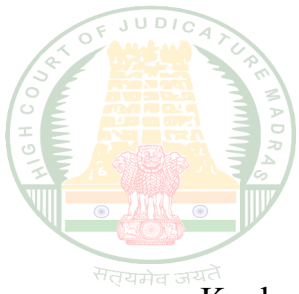
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Ahamed are acting in collusion to the detriment of the political party Manithaneya Jananayaga Katchi, when both of them have no right over the party. To grant leave, there has to be a cause of action to the Plaintiff, which itself is absent in the present case. The said Mr. S.S. Haroon Rasheed, who is not even a member of the political party, has no right to represent the party or file Suit in the name of the party. Therefore, the applications are liable to be dismissed.

3.2. The 1st respondent / defendant is a former member of the Legislative Assembly in Tamil Nadu from the Nagapattinam Constituency between the years 2016 and 2021. Prior to founding of the Manithaneya Jananayaga Katchi (MJK), the 1st respondent / defendant was associated with the Manithaneya Makkal Katchi and functioned as the Deputy General Secretary of MMK between 2009 and 2012. Thereafter, Manithaneya Makkal Katchi entered into an alliance with the All India Anna Dravida Munnetra

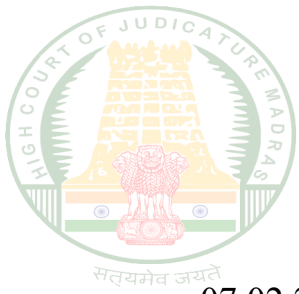
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Kazhagam (AIADMK) and three Constituencies were allotted. Thereafter, he was expelled from the MMK party on 05.10.2015. This led to severe disappointment among the party cadre who were very much supportive of the 1st defendant. Thereafter, in the meeting convened at Kumbakonam on 28.02.2016 and on 01.03.2016, they resolved that a new political party by the name Manithaneya Jananayaga Katchi would be started by the 1st respondent.

3.3. Accordingly, the Manithaneya Jananayaga Katchi was registered before the Election Commission of India on 03.03.2016. As on date, the 1st defendant is its President with the support of the entire party cadre. Since it was founding in 2016 till date, he has been continuously and actively involved in running the Manithaneya Jananayaga Katchi and taking key decisions in the party. Mr. S.S. Haroon Rasheed was only the supporter of the 1st defendant who held the position of Treasurer in the party. However, due to his several anti party activities, he was expelled from the party position on



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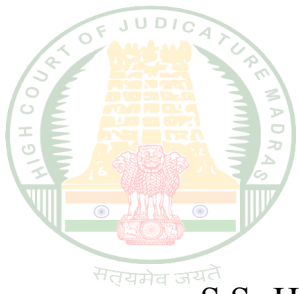
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07.02.2023 and also suspended from the party on the same day before being

expelled on 28.02.2024. As on date, he is a complete stranger to the party. As the candidates had to take membership in AIADMK for the purpose of conducting election, the 4th defendant was appointed as the President of the Manithaneya Jananayaga Katchi and Mr. S.S. Haroon Rasheed was the Treasurer of the party and the 4th defendant resigned from the party on 17.10.2022 and had nothing to do with the party. After removal from the party, Mr. S.S. Haroon Rasheed and the 4th defendant had started colluding and the 4th defendant had filed a Suit in C.S. No.47 of 2024. The 1st respondent was successfully elected as the MLA of Nagapattinam Constituency and functioned as the MLA till 2021. Therefore, he could no more represent the party officially as its General Secretary for the purpose of registration of the political party.

3.4. On the other hand, he had nominated certain persons including Mr.



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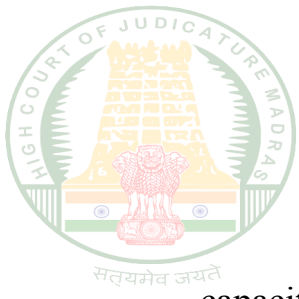
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S.S. Haroon Rasheed in order to complete the registration formalities before

the Election Commission of India. Mr. S.S. Haroon Rasheed has been claiming to be the General Secretary of the Manithaneya Jananayaga Katchi based on the alleged meeting on 10.12.2022, whereas even according to him, his own posts on social media, he had been calling himself as Party's Treasurer, even as on 19.01.2023. Apart from this, in several posts on his social media handle, he has called himself as the Party's Treasurer and is seen attending several functions along with the 1st defendant in Party attire. It shows that his claims, as the General Secretary of the party are fake and are only fabricated for the purpose of the present Suit. The allegations in respect of the forged signature of the 4th repondent are denied and the said issue has already been dealt with in detail in the written statement filed by the 1st defendant in C.S. No.47 of 2024 and the same is pending.

3.5. The said Suit was filed by the 4th defendant in his individual

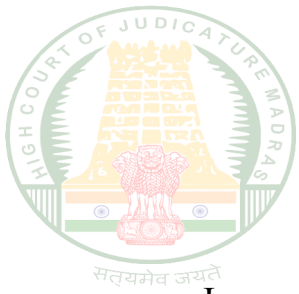


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capacity. When this Court raised the issue of non-impleading of the Manithaneya Jananayaga Katchi party as defendant, they took adjournment for filing the application. Thereafter only, through this Plaintiff, filed the Suit in the name of political party. Therefore, the applications have no merits and deserves to be dismissed.

4. The learned Senior counsel appearing for the applicant would submit that the Plaintiff political party has filed the Suit and the applicant is the representative of the political party Manithaneya Jananayaga Katchi and the applicant is the General Secretary of the said political party. The main Suit is filed for the relieves to pass a Judgment and decree (i) of declaration that the Executive Committee meeting of the Manithaneya Jananayaga Katchi said to have been held on 08.10.2022 at Iliayankudi Sivagangai District is illegal, (ii) of declaration that the General Body meeting of the Manithaneya

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Jananayaga Katchi said to have been held on 24.12.2022 at the Imperial

Mahal, Egmore, Chennai and the elections conducted there to post of Office

Bearers of the Manithaneyya Jananayaga Katchi is void and illegal, and (iii)

permanent injunction restraining the defendants 1 to 3 from in any manner

acting of the Office Bearers of the Plaintiff Manithaneyya Jananayaga Katchi

and in any manner interfering with its affairs. Since the Suit is filed under the

representing capacity, he filed the application to grant leave to the Plaintiff to

file the above Suit on behalf of all the members of the Manithaneyya

Jananayaga Katchi political party and the defendants 1 and 2 are residing

outside the jurisdiction of this Court. Therefore, he filed the applications to

grant leave and prayed to allow these applications

5. The learned counsel appearing for the respondents would submit that first of all, recognition of the political party has been cancelled by the Election Commission of India through an order dated 19.09.2025. In fact,

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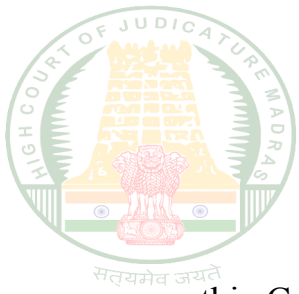
there is no cause of action for the Suit. The Plaintiff is not a General

Secretary and he was expelled from the party and he has no locus standi to file this application and even as per the pleadings, there are no ingredients to attract the provisions of Order XIV Rule VIII of Original Side Rules read with Order I Rule 8 of Civil Procedure Code. Therefore, the applications are liable to be dismissed.

6. Heard both sides and perused the entire materials available on record.

7. The application in A. No.504 of 2025 has been filed to grant leave to the Plaintiff to file the above Suit as the defendants 1 and 2 are residing outside the jurisdiction of the Court and part of cause of action arose within the jurisdiction of this Court. On a perusal of the Plaint averments, it shows that the substantial part of cause of action has arisen within the jurisdiction of

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this Court and the defendants 1 and 2 are residing outside the jurisdiction of this Court. Therefore, the leave has to be granted to the Plaintiff and the application in A. No.504 of 2025 is to be allowed. The objections raised by the respondents in respect of all the allegations have to be looked into in the main Suit and not at the stage of granting leave.

8. As far as granting leave to sue as representing capacity on behalf of the applicant and for all the members of the Manithaneya Jananayaga Katchi is concerned, the Suit is filed for the relief of declaration to declare the meeting dated 24.12.2022 at Imperial Mahal, Egmore as null and void. Both the parties are claiming rights of the political party and according to the pleadings, the Plaintiff is the General Secretary and according to the respondents, Mr. S.S. Haroon Rasheed was removed from the political party and there is no any averments to fulfill the conditions of Order XIV Rule VIII of Original Side Rules read with Order I Rule 8 of Civil Procedure Code. The

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allegations of the respondents / defendants in respect of the membership and

the capacity of the person has to be decided during the trial and as far as the

ingredients under Order I Rule 8 is concerned, already this Court granted

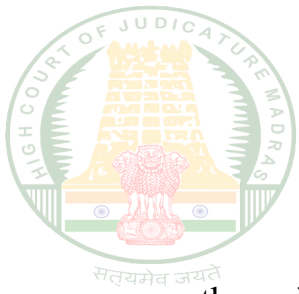
liberty to file a fresh affidavit based on the judgment of the Hon'ble Division

Bench of this Court in ***Shri Edappadi K. Palanichami, Joint Co-ordinator,***

The All India Anna Dravida Munnetra Kazhagam vs. Shri B. Ramkumar

Adityan and others in O.S.A. No.241 of 2022.

9. On a perusal of the additional affidavit of the applicant, it revealed that the applicant is the General Secretary and the representative of the Plaintiff Manithaneya Jananayaga Katchi political party and the same was also supported by the affidavit stating the number or approximate number of the members, and the places where they respectively reside, that they have all the same interest in the subject matter of the Suit, and the nature of the said interest; and the best means of giving notice of the institution of the Suit to



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the said parties, and the probable cost thereof. Therefore, the conditions

mentioned in Order I Rule 8 and Order III Rule 2 of Civil Procedure Code

have been complied and all the allegations made by the respondents can be

decided in the main Suit and not at the stage of granting leave to sue.

Therefore, this Court is inclined to allow these applications.

10. The learned counsel appearing for the applicant has relied upon the judgment in ***Shri Edappadi K. Palanichami, Joint Co-ordinator, The All India Anna Dravida Munnetra Kazhagam vs. Shri B. Ramkumar Adityan and others in O.S.A. No.241 of 2022***, wherein this Court, in para no.51, held as follows:-

"We are of the considered view that the flaw has occurred at this stage. Order I Rule 8 of CPC grants leave to one person to sue or defend on behalf of several persons holding the same interest. The leave to sue or defend must be only with the permission of the Court. Such permission of the Court can be granted only after due verification of the justification provided by that party for suing in a representative capacity. Such justification would flow from the procedure under Order III Rule 2 of the O.S. Rules, in particular the



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*affidavit that is to be filed containing the details set out under the
aforesaid Rule".*

In the case on hand also, the applicant has filed an affidavit specifying
the conditions under Order I Rule 8 of CPC.

11. The learned counsel appearing for the respondents has relied upon
the following judgments:

1. ***V. Krishna Aiyar vs. Pachaiyappa Chetti and others reported in
AIR 1924 Mad 883.***

2. ***Surendra Kumar Basu vs. The District Board of Nadia and
another reported in 1941 SCC Online Cal 202.***

3. ***The Corporation of Madras vs. S.A. Khan and others reported in
1947 SCC OnLine Mad 309.***

4. ***Kodia Goundar and another vs. Velandi Goundar and others
reported AIR 1955 MAD 281.***

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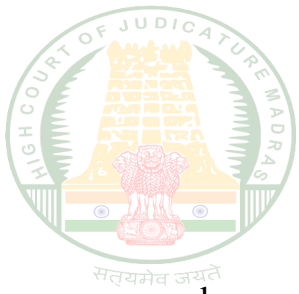
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5. *The Correspondent-cum-Secretary, Scott Christian College, Nagercoil and Village, Agasteeswaram Taluk, Kanyakumari District vs. Dr. M. Mohankani and another reported in 2016-1-L.W. 454.*

6. *Entire Members of 'Maniyani' Community of Karivellur Village vs. Periyadan Narayanan Nair and others reported in 2021 SCC OnLine Ker 2397.*

7. *Kusasan Samal and others vs. Chandramani Pradhan (dead) after him Panchei Bewa and others reported in 2002 SCC OnLine Ori 67.*

12. On a careful perusal of those judgments, it is clear that the object of the provision under Order I Rule 8 of CPC is that in certain cases, one person or a few persons should be allowed to represent all persons in a Suit. The rule is in fact an exception to the general rule that all persons interested in a Suit, should be made parties to a Suit. It pre-supposes the existence of a right in the Plaintiff. It assumes that under the substantive law, the Plaintiff



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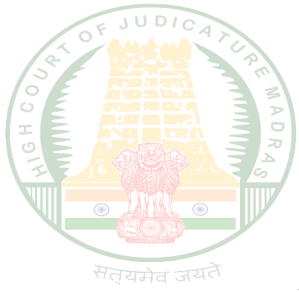
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has a right of Suit and the rules enables him to represent the whole body of persons whom he seeks to represent. A person or entity can only sue or be sued in a representative capacity, provided that the person or entity has same interest as those on whose behalf he or it seeks to make the representation. The condition necessary for the maintainability of a representative capacity Suit is that the person on whose behalf, the Suit is instituted must have the same interest.

13. In the case on hand, the applications have prima facie satisfying the conditions of Order I Rule 8 of CPC. Therefore, the applicant is entitled to the relief of granting leave to file the Suit for himself on behalf of the party members of Manithaneyya Jananayaga Katchi political party and the objections raised by the respondents can be raised in the main Suit and the same can be decided after trial



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14. Accordingly, both the applications are **allowed**. There shall be no order as to costs.

15. The Registry is directed to number the Civil Suit, if it is, otherwise, in order.

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