

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

C.S.Nos.983 of 2016 & 10 of 2017
and A.Nos.1248 to 1250 and O.A.Nos.116 & 189 of 2017

C.S.No.983 of 2016

J.Janaki Raman

.. Plaintiff

Vs.

1.Tamil Film Producer's Council,
No.606, Anna Salai,
Chennai 600 006.

2.S.Thanu

3.T.Siva

4.R.Radha Krishnan

5.S.Ponnurangam

(5th Defendant impleaded as per order
dated 06.01.2017 in A.No.84/2017)

... Defendants

PRAYER: This Civil Suit filed under Order VII Rule 1 of C.P.C. R/w Order IV Rule 1 of O.S.Rules, praying for judgment and decree as follows:

(a) directing the 1st defendant Council to conduct the Election for the Executive Committee of the 1st Defendant Council for the period 2017-2019 strictly in accordance with the bye-laws of the 1st defendant council after preparing a valid electorate by the election officer appointed by this court; (b)

to appoint a retired Hon'ble Judge of this Court, to conduct the election of the Executive Committee of the 1st defendant council, for the period 2017-2019 in accordance with the by-laws of the 1st defendant Council, right from the preparation of the electoral rolls upto the announcement of the successful candidates, within a time limit fixed by this Court and costs of the suit.

For Plaintiff	: M/s.M.Kempraj
	for Mr.R.Murugan
For D1	: Mr.Krishna Ravindran
For D2 to D4	: Mr.R.Sagadevan

C.S.No.10 of 2017

1.M/s.K.R.P.Productions
Rep.by its Proprietor K.Rajan,
No.9, Kappal Polu Street,
Old Washermanpet, Chennai 600 021.
2.R.Kishore Kumar

.. Plaintiffs

Vs.

1.Tamil Film Producers' Council,
Rep.by its Secretary,
South Indian Film Chambers Compound,
No.606, Anna Salai,
Chennai 600 006.
2.Theerthamalai (Membership I.D.No.1867)
3.Varaaki (Membership I.D.No.4118)
(Defendants 2 and 3 impleaded as per
order dated 14.02.2017 in
A.Nos.953 & 954 of 2017)

. ... Defendants

Prayer: This Civil Suit filed under Order IV Rule 1 of C.P.C. R/w Order VII Rule 1 of the O.S.Rules, praying for judgment and decree as follows:

(a) declaring that the Election Circular dated 17.12.2016 issued by the defendant association is null and void and non-est in the eye of law; (b) restraining the defendant, their men, agents, servants, etc., from in any manner conducting the election for the year 2017 to 2019 for the Office Bearers and Executive Committee Members of the defendant association on 05.02.2017 as contemplated under the illegal Election Circular dated 17.12.2016 and costs of the suit.

For Plaintiff	: Mr.T.Thiageswaran
For D1	: Mr.Krishna Ravindran
For D2 & D3	: M/s. Fox MANDAL & Associates for Mr.S.Aravindan

COMMON JUDGMENT

The suit in C.S.No.983 of 2016 has been filed for directing the 1st defendant Council to conduct the Election for the Executive Committee of the 1st Defendant Council for the period 2017-2019 strictly in accordance with the bye-laws of the 1st defendant council after preparing a valid electorate by the election officer appointed by this court and to appoint a retired Hon'ble Judge of this Court, to conduct the election of the Executive Committee of the 1st defendant council, for the period 2017-2019 in accordance with the by-laws of the 1st defendant Council, right from the preparation of the electoral rolls

upto the announcement of the successful candidates, within a time limit fixed by this Court and costs of the suit.

2. The suit in C.S.No.10 of 2017 is filed for declaring that the Election Circular dated 17.12.2016 issued by the defendant association is null and void and non-est in the eye of law and restraining the defendant, their men, agents, servants, etc., from in any manner conducting the election for the year 2017 to 2019 for the Office Bearers and Executive Committee Members of the defendant association on 05.02.2017 as contemplated under the illegal Election Circular dated 17.12.2016 and costs of the suit.

3. Hon'ble Mr.Justice S.Rajeswaran, a former Judge of this Court was appointed as an Election Officer to conduct election of the Tamil Film Producers' Council for the period 2017-19, by an order of this Court dated 12.01.2017. It is now represented by the learned Counsel for the plaintiffs as well as the defendants that the Election Officer conducted the election on 02.04.2017 and also declared the result. The new Office Bearers have taken charge of the Tamil Film Producers' Council. The Election Officer has filed a report detailing the conduct of the election and the same is recorded.

4. In view of the above facts, both the suits are dismissed as infructuous.

5. It is next submitted by the learned counsel that the initial remuneration has been paid. Taking into consideration the nature of work carried out by the Election Officer, the first respondent / Tamil Film Producers' Council is directed to pay an additional remuneration of Rs.2,00,000/- (Rupees two lakhs only) to the Election Officer and Rs.50,000/- (Rupees fifty thousand only) each to the Advocates, who assisted the Election Officer, on or before 28.04.2017.

6. The Office is directed to issue a copy of the report of the Election Officer to the counsel on record.

21.04.2017

Index : Yes / No
kkd / pvs

Note: Issue Order copy on 24.04.2017

K.KALYANASUNDARAM, J.,

pvs

C.S.Nos.983 of 2016 & 10 of 2017
and A.Nos.1248 to 1250 and
O.A.Nos.116 & 189 of 2017

21.04.2017

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