

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Application No.1685 of 2019
in
C.S.No.165 of 2019

1. R.Radhakrishnan
2. R.Vadivelu
3. A.L.Alagappan
4. M.A.Subbiah
5. S.Soundara Pandian
6. S.Jothi
7. K.Murugan
8. S.Murugan
9. P.G.Balaji
10. R.Panneerselvam
11. N.Velumurugan
12. M.Thirumalai
13. S.V.Sekar
14. K. Rajan
15. G.Srinivasan
16. Mohammed Aslaam
17. Salai Sagadevan
18. R.H.Ashok
19. Babuganesh
20. V.Nataraja
21. Vijayakumar

Vs.

1. The Secretary
Tamil Film Producer's Council,
Film Chamber Compound,
No.606 Anna Salai,
Chennai-6.

2. Vishal Krishna
President,
Tamil Film Producer's Council,
Film Chamber Compound,
No.606 Anna Salai,
Chennai-6.

3. S.Kathiresan
Honorary Secretary,
Tamil Film Producer's Council,
Film Chamber Compound,
No.606 Anna Salai,
Chennai-6.

4. S.S.Durairaj
Honorary Secretary,
Tamil Film Producer's Council,
Film Chamber Compound,
No.606 Anna Salai,
Chennai-6.

Application filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of CPC, 1908, directing the respondents/defendants to declare and conduct the election for the first respondent/first defendants association for the period 2019-2021 on or before 31.03.2019 strictly in accordance with the bye-laws of the first respondent council.

For Petitioners : Mr.R.Sagadevan C.Ravi
For Respondents : Mr.Krishna Ravindran - R2 to R4
Mr.P.H.Aravind Pandian,
The learned Additional Advocate General
Assisted by Mr.T.M.Pappiah,
The learned Special Government Pleader

ORDER

This application is filed for an interim direction to the respondents to declare and conduct the election of the first respondent Association for the period 2019-2021, on or before 31.03.2019, strictly in accordance with the Bye-laws of the first respondent. The first respondent is currently managed by the Special Officer, appointed by the Government of Tamil Nadu. Accordingly, it is necessary that the first respondent is represented through the Special Officer. Accordingly, the said Special Officer of the Tamil Nadu Film Producers Council is *suo moto* impleaded as a respondent in this application.

2. I heard Mr.R.Sagadevan, learned counsel for the applicant, Mr.Krishna Ravindran, the learned counsel for Mr.Vishal Krishna and Mr.P.H.Aravind Pandian, learned Additional Advocate General for the Special Officer.

3. Mr.Krishna Ravindran submitted that the tenure of the Special Officer ends during this year and that, therefore, it is just and necessary that free and fair elections should be conducted. He also pointed out that such free and fair election is possible only if a retired judge of this Court

is appointed as the Election Officer.

4. In response, the learned Additional Advocate General, who appeared for the Special Officer, submitted that the Special Officer's tenure was extended by a further period of one year which expires on or about 02.01.2021. Consequently, he submits that as per the Section 34A(iv) of the Tamil Nadu Societies Registration Act, 1975, the Special Officer is entitled to conduct the election in accordance with the Bye-laws of the Society and that upon the successful conduct of the election, the Special Officer's tenure would expire. Therefore, he submitted that the Special Officer should be permitted to conduct the election. However, he pointed out that a retired judge may be appointed as an Observer to over see the election process.

5. The learned counsel for the applicant/Plaintiff in C.S.No.165 of 2019 submitted that from past experience, it is clear that the appointment of a retired judge as an Observer would not serve the purpose. The conduct of the election is a difficult task and involves extensive work and, therefore, a retired judge should be appointed either as Chairman or as Election Officer.

6. Upon considering the submissions of the learned Additional Advocate General and the learned counsel for the respective parties, I find that it is in the interest of all concerned that a retired judge of this Court be appointed as Election Officer so as to ensure that a free and fair election is conducted.

7. In this regard, it is relevant to note that none of the parties are levelling any allegation against the Special Officer. The contention is that a retired judge would ensure that the election is conducted in a free and fair manner and that the Special Officer should extend full cooperation and coordinate with the said Election Officer. Therefore, I am inclined to dispose of this application by appointing a retired judge of this Court as the Election Officer. Accordingly, the following directions are issued:

i. Mr. Justice M.Jaichandren is hereby appointed as the Election Officer to conduct the election of the Tamil Film Producer's Council.

ii. The said Election Officer shall be paid a sum of Rs.3,00,000/- as remuneration by the Special Officer.

iii. The Election Officer is entitled to appoint an Assistant Election

Officer or take the assistance of an Advocate for the above purpose.

iv. The Election Officer is entitled to pay appropriate remuneration to such person after obtaining necessary orders in this regard.

v. The Election Officer shall conduct and complete the election on or before 30.06.2020 and he shall file a report thereon before this Court on or before 31.07.2020.

vi. The Special Officer is directed to provide all necessary assistance and coordinate with the Election Officer in the conduct of the election.

vii. The election shall be conducted strictly in accordance with the Bye-laws of the Society.

viii. All issues relating to the list of members, voting, eligibility of candidates and all other issues arising out of or connected with the conduct of the election shall be determined by the Election Officer.

12.02.2020

Index: Yes/no

Internet:Yes/No

Speaking Order/Non speaking order

rli

Copy to

The Hon'ble Mr. Justice M.Jaichandren

Door No.422, South 2nd Main Road,

Kapaleeswarar Nagar,

Neelangarai, Chennai-115.



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SENTHILKUMAR RAMAMOORTHY,J.



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