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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7035 of 2021

Tamil Film Producers Council
Represented by its Honorary Secretary
Having Office at
No.606 Anna Salai,
Chennai - 600 006.

... Petitioner

Vs

1.The Registrar of Societies,
Chennai South,
3rd Phase, Labour Colony,
SIDCO Industrial Estate,
Guindy,
Chennai -600 032.

2.The Registrar of Societies
Chennai Central,
Bharathi Salai,
Royapettah,
Chennai - 600 014.

3.Tamil Film Active Producers Association,
Represented by its Secretary,
Having Office at
E2/G, Gemini Parsn Apartments,
Old No.599 New No. 448A
Anna Salai, Chennai - 600 006.

4.Tamil Film Movie Makers Sangam
Represented by its Secretary,
Having Office at
New No.4 Old No.33,
Hindi Prachar Sabha Road,
T.Nagar,
Chennai - 600 017.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first Respondent to consider the representation dated 23.02.2021 sent by the Petitioner.



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For Petitioner : Mr.B.Arvind Srevatsa
For Respondents : G.Krishnaraja
Government Counsel
for R1 &R2
Mr.K.Harishankar for R3
R4- No Appearance

ORDER

According to the petitioner, Tamil Film Producers Council is a Society registered under the provisions of the Tamil Nadu Societies Registration Act, 1975 bearing Regn.No.144/1979 with an object to promote and safeguard the interests of the Tamil Film Producers. The said Society has been in existence for more than 40 years and is governed by an elected team of office bearers duly elected by the General Body of the Association. While so, two Associations, viz., Tamil Film Active Producers Association and Tamil Nadu Movie Makers Sangam / respondents 3 and 4 have been formed, which are identical and almost similar in both English and Tamil languages, contrary to Section 9 of the Tamil Nadu Societies Registration Act, 1975. It is the grievance of the petitioner that no notice was issued and no opportunity was provided to the petitioner to raise their objections, before registering the said Associations by the first respondent. The members of those Associations, who are also the members of the petitioner Association, are acting contrary to the interest of the petitioner and are attempting to create confusion in the minds of the public. Therefore, the petitioner sent a representation dated 23.02.2021 to the first respondent requesting to cancel the registration of the 3rd and 4th respondent Associations. Finding no response on the same, the petitioner has come up with this writ petition, seeking appropriate direction to the first respondent.

2.The learned counsel for the petitioner submitted that Section 9 of the Tamil Nadu Societies Registration Act, 1975, mandates that no society shall be registered in a name, which in the opinion of the Registrar, is undesirable and Explanation to section 9 also includes that any association identical with or so nearly resembles, the name by which a society in existence is previously registered, shall not be registered by the Registrar. Therefore, the registration of the respondents 3 and 4 by the first respondent in identical to that of the petitioner Association, that too, without any notice / opportunity of hearing to the petitioner Association, is in violation of the provision of law.

3.Heard the learned Government Counsel appearing for the respondents 1 and 2 and the learned counsel for the third



respondent and also perused the documents enclosed in the typed set of papers.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 23.02.2021 and pass appropriate orders, on merits and in accordance with Section 9 of the Tamil Nadu Societies Registration Act, 1975, after affording due opportunity to the petitioner as well as all the necessary parties, including the third and fourth respondents, within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

1. The Registrar of Societies,
Chennai South,
3rd Phase, Labour Colony,
SIDCO Industrial Estate,
Guindy,
Chennai - 600 032.

2. The Registrar of Societies
Chennai Central,
Bharathi Salai,
Royapettah,
Chennai - 600 014.

+2cc to Mr.K.Harishankar, Advocate, S.R.No.55517
+1cc to Mr.B.Aravind Srevatsa, Advocate, S.R.No.55281
+1cc to the Government Pleader, S.R.No.55857

W.P.No.7035 of 2021

GPL(CO)
SB(01/12/2021)