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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.7347 of 2019

Film and Television Producers'

Guild of South India,  
rep. by its President,  
Dr.S.P.Jaguar Thangam,  
B1, Rams Flat,  
New No.19 (Old No.5),  
Jagadheeswaran Street,  
T.Nagar, Chennai 600 017.

... Petitioner

vs.

1. State of Tamil Nadu,  
rep. by the Secretary to Government,  
Registration Department,  
Government of Tamil Nadu,  
Fort St. George,  
Chennai 600 009.
2. The Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai 600 028.
3. The District Registrar (Admin)  
Office of the District Registrar,  
Chennai Central,  
Royapettah, Chennai 600 014.
4. The District Registrar (Admin),  
Office of the District Registrar,  
North Chennai, Kuralagam,  
Chennai 600 104.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3<sup>rd</sup> Respondent relating to the impugned Notice issued under Section 44(3)(b) of the Tamil Nadu Societies Registration Act published in Tamil Nadu Gazette Notification No.48, dated 28.11.2018 and quash the same and consequently direct the 3<sup>rd</sup> and 4<sup>th</sup> Respondents to refrain from taking any coercive action based on the Notification until the General Body Meeting of the Petitioner Guild is conducted.



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For Petitioner : M/s.R.Maheswari  
For Respondents : Mr.U.Baranidharan,  
Government Advocate

O R D E R

Petitioner/Film and Television Producers' Guild of South India has come up with this Writ Petition challenging the impugned Notice dated 25.10.2018 issued by the 3<sup>rd</sup> Respondent under Section 44(3)(b) of the Tamil Nadu Societies Registration Act published in Tamil Nadu Gazette Notification No.48, dated 28.11.2018 and for a consequential direction to the 3<sup>rd</sup> and 4<sup>th</sup> Respondents to refrain from taking any coercive action based on the Notification, until the General Body Meeting of their Guild is conducted.

2. According to the Petitioner, their Guild is duly registered under the Tamil Nadu Societies Registration Act, 1975 in the books of the 3<sup>rd</sup> and 4<sup>th</sup> Respondents. The Petitioner herein had called for a General Body Meeting on 06.08.2018 with the agenda for placing the accounts of their Guild and to take forward the welfare measures for the benefit of the members of their Guild. However, the General Body Meeting for the Guild was not conducted due to the then pending Suit in C.S.No.338 of 2015 and the misconduct of a few members, who were stalling the conduct of General Body Meeting in one way or the other. However, some of the members filed C.S.No.512 of 2018 inter alia praying for a permanent injunction restraining the Petitioner from conducting Executive Committee meetings and General Body Meetings. This Court granted an ex parte interim order on 01.08.2018 in O.A.Nos.707 to 709 of 2018 and Application No.5822 of 2018 in C.S.No.512 of 2018. Challenging the same, the Petitioner filed an Appeal before this Court in O.S.A.No.371 of 2018. However, the Division Bench directed not to conduct any meeting and not to operate the Bank Account of the Petitioner Guild until further orders.

3. In the meanwhile, the Petitioner received a Notice dated 25.10.2018 from the 3<sup>rd</sup> Respondent to submit the accounts for the financial years 2013-14, 2014-15, 2015-16 and 2016-17 within a period of three months, failing which, appropriate action will be taken under Section 44(3) of the Act to strike out the name of the Petitioner Guild from the register. The Petitioner had also sent a reply dated 31.12.2018 to the 3<sup>rd</sup> Respondent, explaining that, the General Body Meeting of their Guild could not be conducted as the matter was initially sub-judice in C.S.No.338 of 2015 and later sub-judice in O.S.A.No.371 of 2018 pending before this Court.



4. However, to their shock, the 4<sup>th</sup> Respondent sent a Notice dated 03.01.2019 to the Petitioner Guild, enclosing the Tamil Nadu Gazette Publication of the Notice issued under Section 44(3)(b) of the Tamil Nadu Societies Registration Act, for striking out the name of the Petitioner Guild from the books of the Registrar of Societies, for non-submission of accounts for more than three financial years. Hence, having no other alternative, the Petitioner is before this Court.

5. Learned counsel for the Petitioner submitted that, during the pendency of the Writ Petition, a Division Bench of this Court, by a judgment dated 16.12.2019 disposed of O.S.A.No.371 of 2018, by appointing Hon'ble Mr. Justice D.Murugesan (Retired Chief Justice of Delhi High Court) and Hon'ble Mr. Justice P.Shanmugam (Retired Judge, High Court, Madras) as Observers, to observe the entire election process and to ensure that, the election is conducted in a fair and free manner. Subsequently, as Hon'ble Mr. Justice P.Shanmugam recused himself as an Observer, election was not conducted, thereby, the Petitioner Guild did not conduct General Body meeting and could not comply with the Notice issued by the 3<sup>rd</sup> Respondent.

6. Learned Government Advocate appearing for the Respondents submitted that, in view of the disposal of O.S.A.No.371 of 2018, appropriate orders may be passed by this Court.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. It appears that, the 4<sup>th</sup> Respondent herein vide Letter No.4576/E2/2018, dated 24.10.2019 has addressed to the Petitioner that, the name of their Guild is not struck off from the books of the Registrar of Societies. Admittedly, General Body Meeting was not convened as election was not conducted. As one of the Observers (Hon'ble Mr. Justice P.Shanmugam) has recused himself as an Observer, a new Observer has to be appointed by the Division Bench of this Court.

9. In view of the above, this Court holds that, until appointment of a new Observer by the Division Bench of this Court and conduct of election and General Body Meeting in the Petitioner Guild, the communication dated 24.10.2019 of the 4<sup>th</sup> Respondent herein that, the name of the Petitioner shall not be struck off from the books of the Registrar of Societies, shall be in force. Thereafter, the Petitioner shall submit the Accounts for the financial years 2013-14, 2014-15, 2015-16 and 2016-17 to the 3<sup>rd</sup> Respondent herein. Thereafter, it is open to the 3<sup>rd</sup> Respondent to proceed in accordance with law.



The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.8026 and 8027 of 2019 are closed.

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Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

- 1.The Secretary to Government,  
State of Tamil Nadu,  
Registration Department,  
Fort St. George,  
Chennai 600 009.
- 2.The Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai 600 028.
- 3.The District Registrar (Admin)  
Office of the District Registrar,  
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Royapettah, Chennai 600 014.
- 4.The District Registrar (Admin),  
Office of the District Registrar,  
North Chennai, Kuralagam,  
Chennai 600 104.

+1cc to Government Pleader SR. No.58983

W.P.No.7347 of 2019

AKII (CO)  
PR (30/12/2021)