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O.A.No.87 of 2023, A.No.834 of 2023

O.A.No.87 of 2023
and A.No.834 of 2023
in C.S.No.29 of 2023

SENTHILKUMAR RAMAMOORTHY, J.

The matter is listed today upon being mentioned by learned counsel for the Tamil Film Producers Council. At the hearing on 16.02.2023, orders were dictated for the appointment of a retired Judge of this Court as the second Election Officer. Even before the order was finalised and signed, the matter was mentioned. Upon contacting the Judge, learned counsel states that he expressed inability to act as Election Officer on account of personal commitments.

2. Two applications were presented by the plaintiffs. In O.A.No.87 of 2023, the plaintiffs seek an interim injunction to restrain the Tamil Film Producers Council from conducting the election for the years 2023 - 2026. In A.No.834 of 2023, the plaintiffs seek the appointment of a retired High Court Judge as the Election Officer.



O.A.No.87 of 2023, A.No.834 of 2023

3. Learned counsel for the applicants / plaintiffs invited my

attention to the rules and regulations of the Tamil Film Producers Council.

With specific reference to Rule 17, he submitted that the Executive Committee is empowered to appoint a senior producer member from the council as the Election Officer to conduct the election. In contravention of this provision, it is stated that the Executive Committee appointed a retired Judge of this Court. Although the applicants do not oppose the appointment of a retired Judge, learned counsel submits that such appointment should be made by approaching this Court and not unilaterally.

4. Learned counsel for the Tamil Film Producers Council

submits that a retired Judge of this Court was appointed in good faith and keeping in mind the interest of all concerned. Learned counsel points out that disputes were raised in relation to the previous elections and that a retired Judge was appointed in order to avert disputes with regard to the manner of conduct of the election.



O.A.No.87 of 2023, A.No.834 of 2023

5. Rule 17, in relevant part, is as under:

"...The Executive Committee when assembled to deliberate the fixation of General Body Meeting date wherein the election of officer bearers and Executive Committee members are held, after fixing the date of General Body, shall appoint a senior producer member from the council as an election officer to conduct the elections. As per the norms and regulations prescribed by the Executive Committee such officer should not be a candidate for any office...."

On perusal, it appears that the Executive Committee is empowered to appoint a senior producer member of the council as the election officer. Learned counsel for the Tamil Film Producers Council placed on record the minutes of the meeting of the Executive Committee held on 21.01.2023. In the said minutes, it is recorded that a retired Judge would be appointed. The Executive Committee also recorded that the office bearers are authorized to take necessary steps in such regard.



O.A.No.87 of 2023, A.No.834 of 2023

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6. In all election related disputes, a salutary principle is that the election process is not interdicted once set in motion. In this case, a retired Judge of this Court was appointed as the Election Officer to conduct the election and a press release was issued by him in such regard. Since the applicants / plaintiffs have also prayed for the appointment of a retired Judge of this Court as the Election Officer, the deviation from Rule 17 is not a justification to interfere with the electoral process. However, in view of the apprehension expressed by the applicants with regard to the manner in which the retired Judge of this Court was appointed, I consider it just and appropriate to appoint a second Election Officer to work in coordination with the Election Officer already appointed.

7. Therefore, Mr.Justice V.Bharathidasan, retired Judge of this Court, is appointed as the second Election Officer to work in co-ordination with Justice K.Venkataraman. The remuneration for both the retired Judges of this Court shall be borne by the Tamil Film Producer Council. Both the Election Officers are requested to submit a common report upon conclusion



O.A.No.87 of 2023, A.No.834 of 2023

of the electoral process. These applications are disposed of on these terms.

If necessary, the Election Officers may seek the assistance of police officials to ensure the orderly conduct of the elections.

8. List the suit on 03.04.2023 for filing reports.

21.02.2023

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Note: Issue order copy today i.e.21.02.2023



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