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CMP.Nos.3079 and 3100 of 2024
in OSA.No.371 of 2018

D.KRISHNAKUMAR, J.
and
KRISHNAN RAMASAMY, J.

(Order of the Court was made by Justice D.Krishnakumar)

CMP.No.3079 of 2024 has been filed by the Secretary of the Film and Television Producers Guild of South India, seeking to appoint a retired Judge of this Court as "Administrator" to take over the entire management and administration of the association in the welfare of the members to look after the day to-day activities of the association, until office resumes with new office bearers after the forthcoming election to be conducted for the association of Film and Television Producers Guild of South India. CMP.No.3100 of 2024 has been filed by the President of the said Guild Association seeking to operate the bank account of the guild by the petitioner for the purpose of making payment to the Hon'ble Convenors, Election Officers, Appellate Guilds Counsel, staff salary, administrative expenses and other statutory levies etc.



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2. Mr.C.Iyyapparaj, learned counsel for the petitioner in CMP.No.3079 of 2024 submitted that due to the complaint and counter complaint made by both the parties has resulted in locking of the Guild Association Office by the Revenue Divisional Officer. Subsequently, in pursuant to the directions passed by this Court by the consent of parties in the writ petitions, the said lock was opened and the association has been now functioning. Further, according to the petitioner, the elections for the period 2017-2019, which was the subject matter of the Suit in C.S.No.512 of 2018 filed for the relief of permanent injunction restraining the respondents / defendants from conducting meetings, General Body Meeting and interfering with the day to-day administration of the association by the Secretary and Treasurer and an order of interim order dated 01.08.2019 was granted in O.A.No.708 of 2018 in C.S.No.512 of 2018 and challenging the same, OSA.No.371 of 2018 was filed before the Division Bench and the appeal was disposed of by this Court on 16.12.2019, wherein this Court appointed Convenors for convening General Body Meeting for approval of account and to conduct election of officer bearers in a fair manner. In pursuant to the aforesaid directions of this Court, the Convenors have taken a decision for verification and scrutinizing the members list and also prepared a draft members list for



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conducting elections for the period 2017-2019 and in the meantime, the said period has also expired and now the subject matter of question is for conducting of elections for the period 2024-2026. According to the petitioner, the present Observers/Convenors, who are the retired Judges of this Court, may be directed to act as Administrator for the purpose of opening the bank account and conducting of elections for the period 2024-2026.

3. *Per contra*, Mr.R.Maheswari, learned counsel for the respondent / petitioner in CMP.No.3100 of 2024 has strongly objected for appointment of an Administrator, however she has agreed that the present Observers/Convenors may be directed to conduct elections for the period 2024-2026 and for operating the bank account.

4. As both the learned counsel for the parties have agreed that the present Observers/Convenors can conduct elections for the period 2024-2026 and operate the bank accounts to meet out the payment of salary/remuneration to staff, electricity charges, statutory payments/levies and expenses towards conducting of elections and to maintain records and for such purpose, both the parties shall give



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an undertaking/authorization letter to the Convenors and on such authorization, the Bank concerned shall permit the Convenors to operate the bank account to meet out the aforesaid expenses in the interest of the Guild Association Office, and to conduct the ensuing elections for the period 2024-2026. In case of any other payments, it is for the parties to make a request to the Convenors and based on the applications filed by the Convenors before this Court, necessary orders will be passed by this Court in the said applications for the payment of such dues.

5. The memo filed by the Convenors dated 29.01.2024 is taken on record. This Court further directs both the parties to cooperate for the peaceful conduct of elections as instructed by the Observers/Convenors and the said election process shall be completed on or before 15.06.2024. It is needless to say that it is for the Convenors to verify/scrutiny the draft members list for the ensuing elections for the year 2024-2026, finalize the eligible members list upto 30.03.2024 as per the Bye-Laws and publish the members list in the notice board of the Guild Association Office, within a period of three weeks from the date of receipt of a copy of this order.



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6. These civil miscellaneous petitions are disposed of accordingly.

Jvm

[D.K.K., J.] [K.R., J.]
05.04.2024

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