

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3165/2015

(Dusk Entertainment Pvt.Ltd. And another vs. Central Board of Film
Certification and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. B.N. Mohta, Advocate for petitioners
Mr. Y.R. Sonkusare, Adv. for Respondent nos. 3 to 5

CORAM : B.R.GAVAI &
INDIRA K. JAIN, JJ.
DATED : 11th June, 2015.

The petitioners have approached this Court for quashing and setting aside the film censor certificate dated 27th May 2015, issued by the respondent no.1 in respect of Marathi film titled “*Oli Maati-Tarunyachya Umbharthyawar*” and for quashing and setting aside the ‘no objection certificate’ dated 8th May 2015 issued by the respondent no.2.

The petitioners have also prayed for stay to the execution of the aforesaid film.

Heard Shri B.N. Mohta, learned counsel for the petitioners and Mr Y.R. Sonkusare, learned counsel for respondent nos.3.to 5.

Shri B.N.Mohta, the learned counsel for the petitioners submits that though the petitioners made complaint with regard to non-payment of the dues of the petitioners by the respondent nos. 3 and 4 to the respondent no.2, the respondent no.2, without deciding the same, has granted 'no objection certificate' on the basis of which the respondent no.1 has granted Censor certificate.

Insofar as the respondent no.2 is concerned, it is an association of the film manufacturers.

The learned counsel for the petitioners has not been in a position to point out as to under what statutory regulations or under what provisions the respondent no.2 is under the control of either the State or statutory authority. Undisputedly, the respondent no.2 is a society. Even expanding the scope, as has been held by the Apex Court in the case of Andi Mukta Sadguru vs. V.R.Rudani and others (1989)2 SCC 691, unless a body is found to be empowered to exercise certain statutory provisions or is amenable to certain statutory control or receiving grants-in-aid from the State, writ would not lie to the respondent no.2

Insofar as the respondent no.1 is concerned,

we find that the scope of proceeding before it is limited for examining as to whether the film should be granted censor certificate or not and if it is to be granted, under what category it is to be brought. We find that the dispute between the producers of the film on one hand and the persons whose services were taken by such producers, would not be within the jurisdiction of the respondent no1 while considering the question as to whether the censor certificate should be granted or not.

Apart from that, the petition involves several disputed questions of fact which cannot be gone into by this Court in its extraordinary jurisdiction under Article 226 of the Constitution of India.

The petition being *sans* merit, deserve dismissal, which we direct.

JUDGE

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