

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 10932 of 2015 (N)

PETITIONER(S):

**LITTLE KAVITHA 35 MM (A/C) THEATRE,
KANNUR, REPRESENTED BY ITS
MANAGING PARTNER K. SREEDHARAN.**

**BY SMT.SUMATHY DANDAPANI, SENIOR ADVOCATE.
ADV. SRI.MILLU DANDAPANI.**

RESPONDENT(S):

- 1. THE SECRETARY,
KANNUR MUNICIPALITY, KANNUR- 670 001.**
- 2. THE SECRETARY,
CHALANCHITRA ACADEMY, SASTHAMANGALAM,
THIRUVANANTHAPURAM- 695 010.**
- 3. THE PRINCIPAL SECRETARY,
DEPARTMENT OF CULTURAL AFFAIRS,
THIRUVANANTHAPURAM- 695 001.**

**R1 BY SRI.K.K.CHANDRAN PILLAI, SENIOR ADVOCATE.
ADVS. SMT.K.V.SHENU,
SMT.S.AMBILY,
SRI.ARUN ANTONY.**

R2 BY ADV. SRI.SUDHI VASUDEVAN, SC.

R3 BY SR. GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1: TRUE COPY OF THE LICENSE DATED 31.03.2014 IN FORM E.
- EXHIBIT P2: TRUE COPY OF THE COMMUNICATION DATED 17.03.2015.
- EXHIBIT P3: TRUE COPY OF ONE OF THE CERTIFICATES ISSUED BY THE
2ND RESPONDENT NO. KSCA/1501/F/09 DATED 29.03.2012.
- EXHIBIT P4: TRUE COPY OF THE RECEIPT NO.130154 DATED 16.03.2015.
- EXHIBIT P5: TRUE COPY OF THE REPRESENTATION DATED 17.03.2006
BEFORE THE 3RD RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE REPRESENTATION DATED 08.06.2012 BEFORE
THE 2ND RESPONDENT.
- EXHIBIT P7: TRUE COPY OF THE REPRESENTATION DATED 20.05.2013 BEFORE
THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10932 OF 2015
.....

Dated this the 7th day of April, 2015

J U D G M E N T

The grievance of the petitioner is mainly with regard to the stand taken by the 2nd respondent in refusing to issue N.O.C to the petitioner in respect of the year 2015-2016, by virtue of which, the petitioner is not in a position to exhibit films in their theatre.

2. The case of the petitioner as disclosed from the writ petition is that the petitioner has been regularly satisfying service charges payable to the 2nd respondent, based on the relevant Government Order issued in this regard. The payment, according to the petitioner, was for a sum of Rs.10,000/- p.a., which is being satisfied every year, till 2014. Based on the payment so effected, N.O.C was being issued regularly by the 2nd respondent as disclosed from Ext.P3. Ext.P3 is the certificate dated 29.03.2012 issued by the 2nd respondent as to the

satisfaction of service charges up to 31.03.2012. On a fine morning, the petitioner was served with Ext.P4, intimating the service charges to be cleared by the petitioner in respect of the arrears for the year 1999 onwards, as the actual amount payable by the petitioner was Rs.25,000/-, whereas payment was being effected only at the rate of Rs.10,000/- p.a. Exts.P5, P6 and P7 representations have been preferred before the concerned authorities including the 2nd respondent. It is stated that at no point of time, was the petitioner informed about the liability to satisfy service charges amounting to Rs.25,000/- p.a. and that the sum of Rs.10,000/- paid by the petitioner every annum was being received and N.O.C was being issued by the 2nd respondent accordingly. The petitioner has also got a contention that the petitioner's theatre is a small one, with less than 200 seats and as such, the petitioner is not supposed to pay anything more than Rs.10,000/-. The learned counsel adds that the petitioner is having an adjacent theatre, having seating capacity of more than 750 seats and that the petitioner is satisfying service charges at the rate of Rs.25,000/- p.a. for the said theatre.

3. Heard the learned Standing Counsel appearing for the 1st and 2nd respondents and the learned Senior Government Pleader for the State/Department.

4. After hearing both the sides, this Court finds that the liability to satisfy service charges as per the relevant Government Order is not under challenge, nor the relevant Government Order is produced and no prayer is made to set aside the same. The only prayer is that, the demand raised by the 2nd respondent as per Ext.P4 to satisfy the alleged balance amount is not correct or sustainable.

5. After hearing both the sides, this Court finds that, so far as the relevant Government Order is not under challenge, the petitioner cannot sustain the writ petition. However, the grievance projected by the petitioner as per Exts.P6 and P7 requires to be considered by the 2nd respondent, in the light of the relevant Government Order issued by the 3rd respondent.

6. In the above circumstances, there will be a direction to the 2nd respondent to consider Exts.P6 and P7 with reference to the mandate of the relevant Government Order and finalize the

matter by passing appropriate orders after hearing, at the earliest, at any rate, within one month from the date of receipt of a copy of this judgment.

7. '*Status quo*' with regard to Ext.P1 shall be maintained subject to the condition that the petitioner satisfies a sum of Rs.50,000/- within one week.

8. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 2nd respondent for further steps.

The writ petition is disposed of accordingly.

Sd/-

P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-