

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 32958 of 2015

&

M.P. No. 1 of 2015

PVR Limited,
rep. by its Authorised Signatory,
61, Basant Lok, Vasant Vihar,
New Delhi - 110 057.

..Petitioner

Vs.

1. Commissioner of Police,
Chennai Police,
Egmore, Chennai - 600 001.
 2. Principal Secretary to Govt.,
Home Department,
Secretariat,
Chennai - 600 009.
 3. The Superintending Engineer,
Public Works Department,
Planning and Designs Circle,
Chepauk, Chennai -5.
- (3rd respondent suo motu impleaded by
NKKJ on 29.10.2015)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for
issue of a Writ of Mandamus directing the Licensing Authority ie., the 1st

respondent to forthwith execute and issue a licence under Form C read with Rule 42 of the Tamil Nadu Cinemas (Regulation) Rules, 1957.

For Petitioner	::	Mr.Rahul Balaji
For Respondents	::	Mr.RM. Muthukumar, Govt. Advocate for R1 & R2 Mr.V. Jayaprakash Narayanan, Special Govt. Pleader for R3

O R D E R

This writ petition is filed seeking issue of a Writ of Mandamus directing the Licensing Authority, i.e, the 1st respondent to forthwith execute and issue a licence under Form C read with Rule 42 of the Tamil Nadu Cinemas (Regulation) Rules, 1957.

2. When the matter is taken up, it is submitted by the learned counsel for the petitioner that the Superintending Engineer, Public Works Department, Planning and Designs Circle, Chepauk, Chennai - 5 is a necessary party to the writ petition. Hence, the said authority is, suo motu, impleaded as 3rd respondent to the writ petition.

3. The petitioner Company submitted an application on 05.07.2013 to the 1st respondent seeking licence for "Cinematograph

Exhibitions", through its predecessor-in-interest, M/s. Cinemax India Limited. The said M/s. Cinemax India Limited merged with the petitioner Company under a scheme of amalgamation and reconstruction sanctioned by the Hon'ble Delhi High Court vide its order dated 12.02.2014. The grievance of the petitioner is that despite various reminders sent by the petitioner, the last of which is dated 23.01.2015, the 1st respondent has failed to decide the application submitted by the petitioner seeking licence. The petitioner would further state that though "No Objection" certificates obtained from all authorities concerned have been submitted by the petitioner and the necessary clarifications and documents sought have also been furnished, no action has been taken on the application of the petitioner for issue of "Form C " Licence even after lapse of two years. Hence, the present writ petition.

4. Heard the learned counsel on either side.

5. Since it is submitted by the learned counsel for the petitioner that Form "N" has already been issued and the contents which are required to be incorporated in Form "O" have also been furnished by the petitioner by way of a separate document, the newly impleaded 3rd respondent, who is the authority concerned to forward Form "O" to the 1st respondent, shall

forward the said form, duly filled in, to the 1st respondent within a period of 2 weeks from the date of receipt of a copy of this order and

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thereafter, the 1st respondent, before whom the application of the petitioner dated 05.07.2013 is pending, shall consider and pass appropriate orders on the said application, with regard to issue of licence, within a period of four weeks. The writ petition is disposed of accordingly. No costs. Connected M.P. is closed.

29.10.2015

nv

(Note to Office: Issue order copy by

23.11.2015)

To

1. Commissioner of Police,
Chennai Police,
Egmore, Chennai - 600 001.
2. Principal Secretary to Govt.,
Home Department,
Secretariat,
Chennai - 600 009.
3. The Superintending Engineer,
Public Works Department,
Planning and Designs Circle,

Chepauk, Chennai -5.

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