

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Writ Petition No.14039 of 2015
M.P.No.1 of 2015

Sundarraaj

... Petitioner

Vs.

The District Collector (Licensing Authority)
Office of the District Collector,
Krishnagiri District,
Krishnagiri.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondent herein to consider the renewal application, dated 13.08.2012 and pass orders regarding renewal of C-Form Licence for the Theatre, viz., SRINIVASA THEATRE, Hosur.

For Petitioner : Mr.A.Chidambaram

For Respondents : Mr.S.V.Duraisolaimalai,

O R D E R

Material on record discloses that the petitioner has filed W.P.No.30443 of 2012, for a Mandamus, directing the District Collector (Licensing Authority), Office of the District Collector, Krishnagiri District, Krishnagiri, respondent herein, to grant renewal of C-Form Licence for Srinivasa Theatre, Hosur. His mother, V.Rajamma, has also filed W.P.No.27416 of 2012, for a Mandamus, directing the District Collector, Krishnagiri District, to initiate appropriate action based on the representation, dated 01.09.2012. Both the writ petitions were disposed of, by a common order, dated 23.02.2015, holding that,

"Applying the ratio laid down in the above decision, it can be held that the application for renewal of C form licence should be applied only by the person in whose name the original licence stands and if the property stands in joint members of the family, all of them should sign the application for renewal of the licence by filing an affidavit individually stating that they continue to be in possession of the property jointly and that they have not

entered into any transaction affecting the possession of their rights. A co-owner or a person who has a share in the property can apply for renewal of the licence, however, subject to establishment of his lawful possession over the property and he can make use of the same without detriment to the interest of other co-owners and that the authority cannot renew the licence in favour of a co-owner if any or all other co-owners objected to it."

Stating so, the learned single Judge, has dismissed W.P.No.30443 of 2012, filed by the petitioner. However, the Writ Court has allowed W.P.No.27416 of 2012, with a direction to the District Collector, Krishnagiri District, to consider the representation of the petitioner's mother, dated 01.09.2012 and pass appropriate orders, in accordance with law.

2. Material on record further discloses that being aggrieved by the common judgment, the petitioner herein, has filed W.A.Nos.633 and 634 of 2015. Before the appellate Court, learned counsel for the appellant (petitioner herein), has stated that,

"the subsequent development is that now the mother wants the renewal of licence in her name and the appellant is satisfied with it."

Recording the said submission, vide order, dated 15.04.2015, the Hon'ble Division Bench of this Court, disposed of the writ appeals, as hereunder:

"4. If that be the position, we see really no impediment in renewal of the licence in the name of the mother and accordingly, dispose of the appeals."

3. Material on record further discloses that pursuant to the directions, stated supra, the District Collector, Krishnagiri, has issued a memo, dated 17.04.2015, to both the petitioner and his mother, Tmt.V.Rajamma, to appear for personal hearing on 23.04.2015, along with all original records, to putforth their case. Vide proceedings in Roc.1838/2015/A2, dated 17.04.2015, the Sub-Divisional Magistrate and Sub-Collector, Hosur, has issued an order, under Section 133 Cr.P.C., to Mr.K.Amarjothi, brother of the petitioner and the said proceedings reads as follows:

"WHEREAS it has been made to appear to me that you are carrying on the trade of exhibiting cinematography films without a valid C form licence or E permit in the theatre owned by you, which includes exhibition of films in the auditorium of your theatre which doesn't have structural

stability certificate, electrical, insurance and public building licence, and that the same is injurious to the public health by reason that the auditorium is not fit for public to assemble for the purpose of viewing the cinematography film and hence, it should be stopped immediately.

I do hereby direct and require you to stop exhibiting cinematography films immediately, on the receipt of this order, as it is considered dangerous for the public to assemble in the auditorium, and not again to carry on the same without having a valid C form licence or E permit obtained under the Tamil Nadu Cinemas (Regulations) Act, 1955, or to appear in the Court of Sub Divisional Magistrate on 21.04.2015, Tuesday by 10.00 A.M., without fail and to show cause why this order should not be enforced; Failing to appear prosecution will be initiated under Section 183 Cr.P.C."

4. The Sub-Divisional Magistrate and Sub-Collector, Hosur, has issued another order, dated 17.04.2015, under Section 142 Cr.P.C., to stop public display of cinematography films, immediately from the date of issuance of the order. While the matter stood thus, on the basis of the renewal application, dated 13.08.2012, stated to have been given by the petitioner's mother, Mrs.V.Rajamma, the petitioner has now sought for a Mandamus, directing the respondent herein to consider the renewal application, dated 13.08.2012 and pass orders regarding renewal of C-Form Licence for the Theatre, viz., SRINIVASA THEATRE, Hosur.

5. Firstly, proceedings, dated 17.04.2015, have been initiated under Section 133 Cr.P.C., to Mr.K.Amarjothi, brother of the petitioner, not to carry on exhibiting cinematography films, without having a valid C Form licence or E permit, on the grounds that the auditorium of the theatre doesn't have structural stability certificate, electrical, insurance and public building licence. Proceedings, dated 17.04.2015, have also issued to the Theatre, stating that the conditional order issued on 17.04.2015, is pending and that under Section 142 Cr.P.C., display of cinematography films has been stopped.

6. Secondly, on the basis of the renewal application submitted by the petitioner's mother, the petitioner has sought for a Mandamus. If at all, the mother of the petitioner is interested in seeking renewal, it is for her to approach the authorities, as directed. Further, the proceedings, dated 17.04.2015, of the District Collector, Krishnagiri, also shows that both the parties have been directed to appear for personal hearing on 23.04.2015, along with the original records, to putforth their respective cases. In such circumstances, mandamus sought for, by the petitioner, cannot be granted.

7. In view of the above, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

skm

To

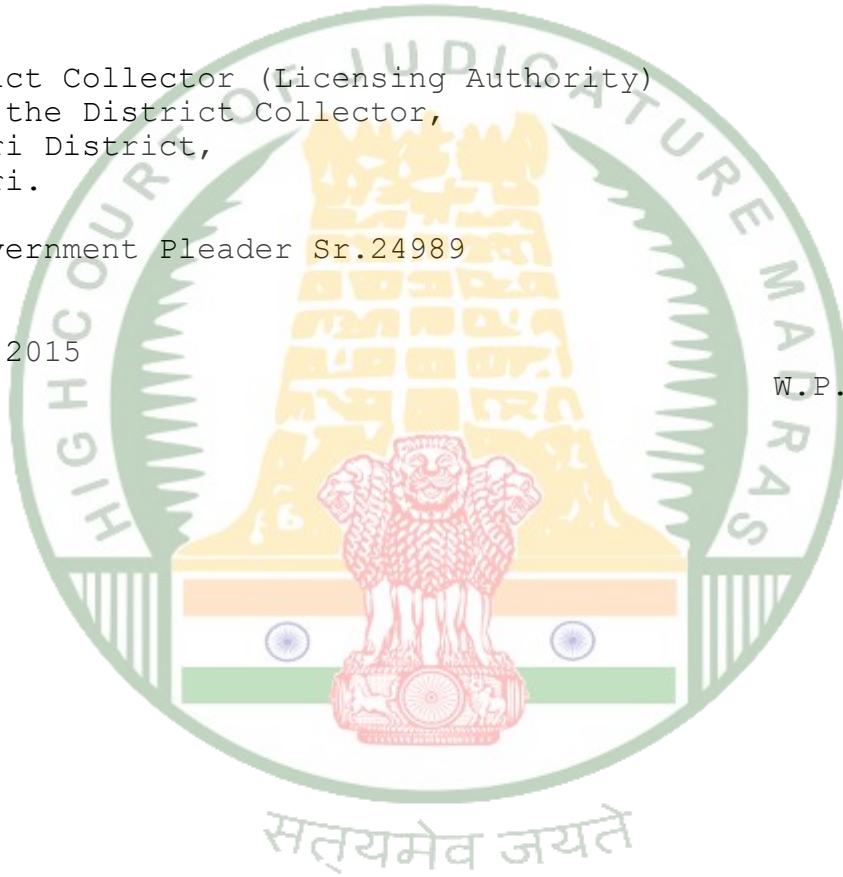
The District Collector (Licensing Authority)
Office of the District Collector,
Krishnagiri District,
Krishnagiri.

+ 1 cc Government Pleader Sr.24989

RJ(CO)

EU 08.08.2015

W.P.No.14039 of 2015



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