

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.14948 and 18214 of 2015

M/s.Balaji Theatre,
Rep. By its Managing Partner,
P.Kaliyaperumal @ Perumal,
No.118, Kamarajar Salai,
Puducherry - 11.

...Petitioner in both the writ petitions

Vs.

1. The Union Territory of Puducherry,
Rep. By its Chief Secretary,
Secretariat,
Puducherry.
2. The District Magistrate-cum-Licensing Authority,
Government of Puducherry,
Office of District Magistrate,
Saram, Puducherry. ...Respondents in W.P.No.14948/2015
1. The Union Territory of Puducherry,
Rep. By its Chief Secretary,
Secretariat,
Puducherry.
2. The Union Territory of Puducherry,
Rep. By its Secretary,
Revenue Department,
Secretariat, Puducherry.
3. The District Magistrate-cum-Licensing Authority,
Government of Puducherry,
Office of District Magistrate,
Saram, Puducherry.

4. The Chief Engineer,
Central Office,
Public Works Department,
Lal Bahadur Sastri Street,
Puducherry.

5. The Executive Engineer (Planning),
Central Office,
Public Works Department,
Lal Bahadur Sastri Street,
Puducherry.

...Respondents in W.P.No.18214 of 2015

PRAYER IN W.P.No.14948/2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the second respondent herein to renew the Form C license for the petitioner herein by processing the renewal application dated 13.05.2015 filed by the petitioner and pass such further orders.

PRAYER IN W.P.No.18214/2015: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus to call for the records of the third respondent in his proceedings in No.13457/DM/D1/2015, dated Nil, which was signed by the third respondent on 18.06.2015 and quash the same and consequently, direct the second respondent to issue license in Form C to the petitioner theatre and pass such further orders

In both the Writ Petitions:

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.A.Tamilarasan GA (Pondy)

COMMON ORDER

There are two writ petitions filed by the petitioner theatre. W.P.No.14948 of 2015 is filed seeking for a direction to the second respondent / the District Magistrate-cum-Licensing Authority, Saram, Puducherry, to renew the Form 'C' license for the petitioner theatre by processing the renewal application dated 13.05.2015 filed by them. W.P.No.18214 of 2015 is filed seeking to quash the order passed by the third respondent in Proc.No.13457/DM/D1/2015, dated 18.06.2015, rejecting their claim for renewal of Form 'C' license and consequently direct the second respondent / Secretary, Revenue Department, Puducherry, to issue license in Form 'C' to the petitioner theatre.

2. Heard both sides.

3. The petitioner theatre was issued with Form 'C' license, that stood expired on 24.05.2015. Therefore, they have submitted a representation dated 18.05.2015 for renewal of Form C license, however, there was no response from the second respondent. Hence, they filed a writ petition in W.P.No.14948 of 2015 seeking for a prayer cited supra. When the matter was taken up on 21.05.2015, this Court directed the respondents to issue temporary licence for a period of 30 days. However, despite the said interim order of this Court, they have not issued with Form C license. Thereafter, when the matter was taken up on 11.06.2015, this Court directed the respondents to comply with the above said order of this Court. Only after such order of this Court, the respondents issued temporary license only for a period of 30 days, but, they rejected their claim for renewal of license only on the ground that the structural soundness of the building is not given for the entire period, but, given for a period till August, 2015.

4. Today, when the matter is taken up, learned counsel for the petitioner produced the structural soundness certificate issued by the fifth respondent / the Executive Engineer (Planning), Central Office, PWD, Puducherry, for a period of nine months i.e. from 26.08.2015 to 25.05.2016.

5. In view of the structural soundness certificate issued by the fifth respondent, learned Government Advocate (Tax) appearing for the respondents has agreed to issue Form 'E' license on receipt of a letter from the petitioner theatre along with the payment of Rs.500/- towards license fee.

6. It is seen that the District Magistrate-cum-Licensing Authority, Puducherry, by passing the impugned order dated 18.06.2015, rejected the claim of the petitioner theatre for renewal of the Form C license only on the ground that the petitioner theatre has not produced the certificate for structural soundness of the building. Now, as stated above, the fifth respondent issued the structural soundness certificate for a period of nine months i.e. from 26.08.2015 to 25.05.2016.

7. Therefore, for the reasons stated above and by recording the above said statement of the learned Government Advocate (Tax), the third respondent / District Magistrate-cum-Licensing Authority, Puducherry, is directed to consider the representation dated 23.06.2015 of the petitioner theatre for issuance of Form 'C' license. Though the learned counsel for the petitioner petitioner

stated that he has already paid Rs.1000/- on the date of submitting the representation, the third respondent is directed to complete the above said exercise forthwith on production a copy of the receipt for such amount by the petitioner theatre. In the absence of any proof thereof, the petitioner is directed to pay the necessary charges.

8. In fine, for the reasons stated above, W.P.No.18214 of 2015 stands disposed of and W.P.No.14948 of 2015 is closed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Secretary,
Secretariat,
Puducherry.
2. The District Magistrate-cum-Licensing Authority,
Government of Puducherry,
Office of District Magistrate,
Saram, Puducherry.
3. The Secretary,
Revenue Department,
Secretariat, Puducherry.
4. The Chief Engineer,
Central Office,
Public Works Department,
Lal Bahadur Sastri Street,
Puducherry.

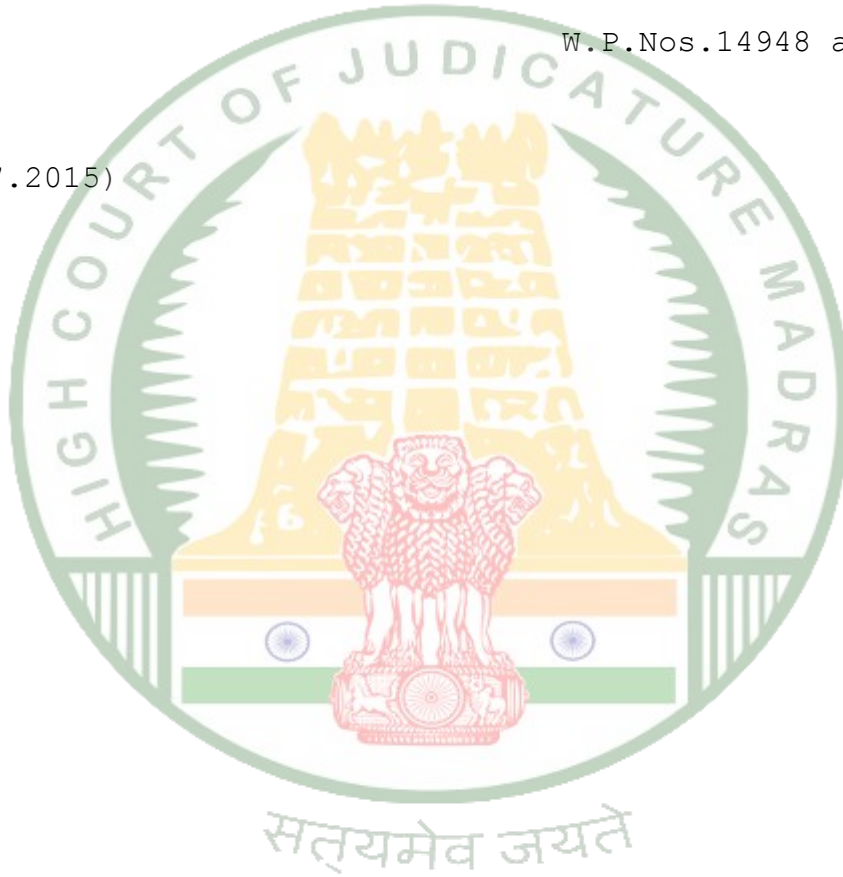
5. The Executive Engineer (Planning),
Central Office,
Public Works Department,
Lal Bahadur Sastri Street,
Puducherry.

1 CC to Mr.D.Ravichander, Advocate SR.No. 31027

1 CC to the Government Pleader, SR.No. 31173

W.P.Nos.14948 and 18214 of 2015

MG (CO)
PSI (07.07.2015)



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