

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P. No. 30611 of 2015

&

M.P. No. 1 of 2015

M/s. K.S. Theatres Screen 1 & 2,
rep. by its Proprietor K. Raja,
No. 49/23-A, Salem Main Road,
Namakkal, Namakkal District,
Tamil Nadu.

..Petitioner

Vs.

1. The District Collector,
Namakkal District,
Namakkal,
Tamil Nadu.
2. The Electrical Inspector,
Namakkal, Namakkal District.
3. The Executive Engineer,
Public Works Department,
Planning and Designs Circle,
Namakkal,
Namakkal District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the District Collector, Namakkal District/the 1st respondent herein to grant to the petitioner theatre herein i.e, K.S. Screens 1 & 2 with necessary Form "C" permanent licence as procedure laid down in the Tamil Nadu Cinemas (Regulation) Act, 1957 by considering the petitioner's representation dated 17.10.2014.

For Petitioner :: Mr.S. Sathyanarayanan

For Respondents:: Mrs.M.E. Rani Selvam
Addl. Govt. Pleader

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the District Collector, Namakkal District/the 1st respondent

herein to grant to the petitioner theatre herein i.e, K.S. Screens 1 & 2 with necessary Form "C" permanent licence as per procedure laid down in the Tamil Nadu Cinemas (Regulation) Rules, 1957 by considering the petitioner's representation dated 17.10.2014.

2. The petitioner is running a theatre, by name, "K.S. Theatres" for the past 4 decades, with a valid licence issued in the year 1979, with necessary Form "C" licence issued under the Tamil Nadu Cinemas (Regulation) Act, 1955, issued by the 1st respondent herein in favour of the petitioner Theatres herein. The same has been renewed from time to time as mandated. While so, according to the petitioner, to provide more amenities and facilities by way of making certain changes in the existing arrangement, it was decided to divide the petitioner theatre into two units, in the name and style of K.S. Theatres Screen 1 and K.S. Theatres Screen 2. As mandated under Rule 77 & 78 of Tamil Nadu Cinemas (Regulation) Rules, 1957, the petitioner gave a notice in writing to the Licensing Authority on their intention to alter the theatre premises to suit the present requirement by providing more facilities and amenities to the viewers. That apart, as per relevant Rules, on commencement of construction, the licensee has to notify the Public Works Department to enable the authority to issue the certificate of structural soundness and on completion of the building, the licensee has to obtain electricity certificate from the Electricity Inspector. After obtaining the said certificate, the licensee has to submit an application for licence in writing to the Licensing Authority along with related documents as prescribed i.e., Electricity Certificate, Structural Soundness Certificate from PWD, Declaration by the licensee to the effect that he has completed all arrangements for obtaining certified films, treasury receipt and Insurance particulars. In the present case, such an application along with necessary recommendations was originally submitted to the Licensing Authority/1st respondent herein on 17.07.2013. On receipt of the application of the petitioner for issue of licence in Form "C" along with relevant certificates, the 1st respondent issued a "No Objection" Certificate dated 04.08.2014 based on the recommendations subject to fresh No Objection Certificate after due inspection by the authorities concerned after completion of the changes sought to be made in Theatres. As directed by the 1st respondent, after completion, necessary recommendations were obtained from the Departments concerned and once again, an application was submitted by the petitioner to the Licensing Authority on 14.11.2014. However, according to the petitioner, though the application dated 14.11.2014 was recommended by the Fire Department, Police Department, Municipality, P.W.D. Department, Sub-Collector and the Electrical Inspector, by way of separate and individual proceedings, the 1st respondent only issued a temporary licence in Form "E" to the petitioner theatre by way of proceedings dated 21.10.2014, valid for a period of one month, initially, till 17.11.2014 and thereafter, it was extended, from time to time, on a monthly basis. Subsequent to the proceedings of the 1st respondent granting temporary licence by proceedings dated 21.10.2014, the Superintending Engineer, PWD, Planning and Designs, who granted

structural soundness certificate temporarily, for a period of one month, (ie. from 18.10.2014 to 17.11.2014), after inspection and subject to certain observations, renewed it by proceedings dated 07.11.2014 for the balance period of 11 months from 18.11.2014 till 17.10.2015. Since the validity of the said certificate expires on 17.10.2015, the petitioner once again applied for structural soundness certificate by way of an application dated 04.09.2015 and the same is pending on the file of the 3rd respondent. Moreover, the temporary licence issued in Form "E", which has been extended, from time to time, on a monthly basis, is also getting expired on 13.10.2015. Hence, the petitioner has approached this Court for the aforesaid relief.

3. Heard Mr.S. Sathyanarayanan, learned counsel for the petitioner and the Mrs.M.E. Rani Selvam, learned Additional Government Pleader for the respondents.

4. Though the petitioner has sought a direction to the 1st respondent to grant him permanent licence in Form "C", unless and until, a decision is taken by the 3rd respondent on the application of the petitioner dated 04.09.2015 regarding renewal of structural soundness certificate, the validity of which is getting expired on 17.10.2015, the petitioner may not be in a position to apply for permanent licence in Form "C". In view of that, the 3rd respondent is directed to consider the application of the petitioner dated 04.09.2015 with regard to renewal of structural soundness certificate and pass orders within a period of one week from the date of receipt of a copy of this order. Thereafter, it is open to the petitioner to approach the 1st respondent seeking issuance of permanent licence in Form "C" and on such application, the 1st respondent shall decide the matter before 13.10.2015. The writ petition is disposed of with the direction. No costs. Connected M.P. is closed.

nv

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Namakkal District,
Namakkal,
Tamil Nadu.
2. The Electrical Inspector,
Namakkal, Namakkal District.

3. The Executive Engineer,
Public Works Department,
Planning and Designs Circle,
Namakkal,
Namakkal District.

+ 1 cc to Mr.S.Sathy Narayanan, Advocate SR 52647

+ 1 cc to the Govt.Pleader High Court, Madras SR 53067

jsv(co)
prk30/9

W.P. No. 30611 of 2015



WEB COPY