

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.37522 of 2015

K.Raja

... Petitioner

Versus

- 1.Principal Secretary/Commissioner of Commercial Taxes
Commercial Tax Department,
Ezhilagam, Chepauk, Chennai 5.
- 2.The State of Tamil Nadu,
represented by its Secretary to Government
Home Department, Fort St.George,
Chennai 600 009.
- 3.The District Collector,
Namakkal District.
- 4.Executive Engineer,
Public Works Department
Planning and Designs Circle,
Namakkal.
- 5.The Revenue Divisional Officer,
Namakkal.
- 6.K.S.Cine Complex, Screen 1 and 2,
represented by its Proprietor Mr.K.Raja
Salem Road, Namakkal.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records relating to the order of the 3rd respondent dated 30.10.2015 issued in proceedings

Na.Ka.No.22429/2014(M2) and quash the same and consequently direct the 3rd respondent to initiate appropriate action against the 4th and 5th respondents for the illegal recommendations made in favour of the 6th respondent.

For Petitioner : Mr.R.Gandhi
Senior Counsel

For Respondents : Mr.STS.Murthi
Government Pleader
assisted by
Mr.V.R.Kamalanathan
Additional Government Pleader
for R.2 to R.5

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

In pursuance to the earlier writ petition filed by the petitioner being No.28596 of 2015, we left it to the authorities concerned to examine the complaint of the petitioner against the 6th respondent/K.S.Cine Complex, Screen 1 and 2, Namakkal. It appears that the District Collector has passed an order on 30.10.2015 after inspection of the theatre and has granted time till 12.11.2015 for the theatre owner to ensure compliance.

2. The present writ petition has been filed on 24.11.2015 after the said period is over. Apart from the submission made by the learned Senior Counsel before the Court that the theatre is still functioning, no material has been placed before us that the theatre is functioning without any sanction nor as to what had happened after the order was passed on 30.10.2015. We are unable to accept the plea of the petitioner that the petitioner could not obtain requisite documents in this behalf. Once again, there is nothing on record to suggest that the petitioner has sought and has been denied any document in respect of continued functioning of the theatre, if it is so in existence.

3. The vehement arguments of the petitioner certainly shows that there is something more than meets the eye and there is obviously some other agenda, but that does not take away from the requirement of the theatre to comply with all the norms.

4. We are, thus, not inclined to entertain the writ petition and if the petitioner obtains the requisite documents showing that any further undue indulgence is being shown to the theatre owner without their complying with the requirements as set out in the order dated 30.10.2015, a representation should be made to the District Collector, failing which it is open to the petitioner to approach this Court.

5. The writ petition accordingly stands dismissed with the aforesaid observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ksr

To

- 1.Principal Secretary/Commissioner of Commercial Taxes
Commercial Tax Department,
Ezhilagam, Chempauk, Chennai 5.
- 2.The Secretary to Government
Home Department, Fort St.George,
Chennai 600 009.
- 3.The District Collector,
Namakkal District.
- 4.Executive Engineer, Public Works Department
Planning and Designs Circle, Namakkal.
- 5.The Revenue Divisional Officer,
Namakkal.

+1cc to Mr.R.G.Narendhiran, Advocate, S.R.No.63856

+1cc to the Government Pleader, S.R.No.64378

W.P.No.37522 of 2015

PUR(CO)

CA(10/12/2015)