

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.27373 of 2012

ORDER:

The petitioner is a Theatre situated at Station Road, Warangal. It is aggrieved by the order dated 29.08.2012 passed by the Joint Collector and Licensing Authority, Warangal, whereby its B-Form licence was suspended under Section 10(2)(b) of the Andhra Pradesh Cinemas (Regulation) Act, 1955 (for brevity 'the Act of 1955'). This suspension was effected on the ground that the petitioner theatre had exhibited a film at 8.30 A.M. in violation of the norms, which permit exhibition of theatres only from 10.00 A.M. However, the impugned order of suspension does not specify as to the period for which the licence of the petitioner theatre stood suspended.

When this matter came up for admission before this Court on 31.08.2012, interim stay was granted for a limited period which was extended from time to time and was finally extended until further orders on 09.11.2012.

Though the matter has been pending before this Court for nearly three years, no counter-affidavit has been filed by the respondents.

However, in the light of the material on record, this Court is of the opinion that the writ petition is amenable to final disposal notwithstanding the lack of response from the authorities.

As stated earlier, the impugned order dated 29.08.2012 passed by the Joint Collector and Licensing Authority, Warangal, does not specify as to the period of suspension imposed upon the petitioner. Further, the order does not indicate as to why the explanation submitted by the petitioner theatre was not convincing. When the authority was exercising quasi-judicial powers which had adverse civil consequences, it necessarily had to set out reasons to support its decision. No such reasons are forthcoming from the impugned order.

This apart, the Licensing Authority did not explain as to why

recourse was not taken to the penalty provision available to it under Sections 9 and 10(2-A) of the Act of 1955. As the petitioner theatre claimed ignorance of the norms provided under G.O.Ms.No.174, Home (General-A), Department, dated 10.05.1988, the Licensing Authority ought to have examined as to whether the facts of the case warranted levy of penalty instead of suspension straight away.

In the absence of such application of mind by the authority, this Court is constrained to set aside the impugned order dated 29.08.2012 passed by the Joint Collector and Licensing Authority, Warangal, and remit the matter to the said authority for consideration afresh on facts and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions.

Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:26.06.2015

GJ