

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7142 of 2015

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Between:

1. Sri Satya Gowri Theatre, rep. by its Managing Partner, Sri Karri Satyanarayana Reddy, and others.

PETITIONERS

AND

1. State of Andhra Pradesh, Home Department, Secretariat, Hyderabad, rep. by its Secretary, and others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“.....Issue a writ of mandamus or any other appropriate writ or direction declaring the endorsement of the 3rd respondent issued in Ref. C2/4023/2014, dt.15.2.2015 as illegal, arbitrary and consequently direct the 3rd respondent to submit a report as directed in Ref. C2/M/926/2014, dt.31.12.2014 forthwith and pass....”

The 1st petitioner is a cinema theatre and the 2nd petitioner is the Managing Partner of the 1st petitioner. The original owner of the 1st petitioner, viz., Smt. K. Gavarayamma and his husband, who was issued licence for running the theatre, have executed registered settlement deeds dated 19.12.2005 and 9.10.2006 in favour of petitioners 2 to 6. One Sri Rama Krishna Reddy and three others have filed O.S.No.16 of 2007 on the file of the V Additional District and Sessions Judge, East Godavari District at Rajahmundry seeking declaration that the settlement deeds executed in favour of the petitioners are void and unenforceable. During the pendency of the said suit, the application in I.A.No.369 of 2008 filed by the plaintiffs for appointment of receiver for running the theatre, was allowed on 22.04.2008 and against the same an appeal in C.M.A.No.402 of 2008 was filed by the petitioners herein, which was disposed of on 31.03.2009 directing the lower Court to dispose of the suit within a period of six months. Thereafter the suit itself was dismissed on 31.05.2014. Aggrieved by the dismissal of the said suit, the plaintiffs filed A.S.No.500 of 2014 and this Court, pending the appeal through order dated 20.10.2014 directed the petitioners not to alienate the property. While so, the petitioners 2 to 6 formed into a partnership firm and submitted a representation before the 2nd respondent on

27.12.2014 for grant of Form-B licence for exhibiting cinemas and for change of name of the Managing Partner. The 2nd respondent forwarded the said representation to the 3rd respondent to enquire into the matter and for report. The 3rd respondent submitted a report dated 22.01.2015 stating that in view of the pendency of appeal before this Court, a detailed report can be submitted after the closure of the appeal and made an endorsement dated 15.02.2015 to the effect that necessary action will be taken after the closure of the case. The same was challenged in this writ petition.

Heard learned counsel for the petitioners, the learned Assistant Government Pleader for Home for the 1st respondent and the learned Assistant Government Pleader for Revenue (A.P.) for 2 to 4.

A perusal of Section 4 of the A.P. Cinemas (Regulation) Act, 1955 it is clear that in the absence of any notification, power is delegated in the District Collector alone for granting such licence. In the case on hand, the impugned endorsement is issued by the Revenue Divisional Officer. In that view of the matter non-consideration of representation basing on the impugned endorsement dated 15.02.2015 cannot be sustained.

Accordingly, the Writ Petition is allowed setting aside the impugned endorsement dated 15.02.2015. The 2nd respondent-District Collector and licensing authority is directed to consider the representation dated 27.12.2014 submitted by the petitioners and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

25th March, 2015
Js.

