

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4180 of 2016

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Amit Kumar Sinha @ Amit Kumar Naynan, Son of Late Din Dayal Prasad,
Resident of Mohallah- R.M.S. Colony, Road No. 5B, Kankarbagh, Patna- 20.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Information and Broadcasting, New Delhi
2. The Chairman, Central Board of Film Certification, Bharat Bhawan, Malabar Hills, Mumbai- 400006
3. The President, Film Writers' Association, 201/202, Richa, Plot No. B29, Off New Link Road, Andheri (W), Mumbai- 400053
4. The Director, Yashraj Films Productions, Andheri (W), Mumbai- 400053
5. The Chairman, Copyright Office, 4th Floor, Jeevandeep Building, Parliament Street, New Delhi- 110001
6. Sanjeev Kumar Jha, son of Amarnath Jha, Resident of R.M.S. Colony East (above Raj Medico), East Ashok Nagar, Kankarbagh, Patna-800020
7. Manish Sharma, Writer and Director of the Film 'Fan' Yashraj Films Productions, Andheri (W), Mumbai- 400053
8. Aditya Chopra, Writer and Producer of the Film 'Fan' Yashraj Films Productions, Andheri (W), Mumbai- 400053
9. Habib Faizal, Writer and Screenplay Writer of the film 'Fan' Yashraj Films Productions, Andheri (W), Mumbai- 400053
10. The Registrar, Copyright Office, Jeevandeep Building, Parliament Street, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Sharma, Advocate.

For the U.O.I. : Mr. S.D Sanjay, Addl. Solicitor General

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

C.A.V. JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 27-04-2016

Heard learned counsel for the petitioner and Mr.
S.D.Sanjay, learned Additional Solicitor General for the Union of
India.

The petitioner seeks intervention of the Court for

directing the respondents to release the film “Fan” only after incorporating the name of the petitioner as the only writer of the story and paying him the appropriate royalty for his authorship of the story of the said film.

Learned counsel for the petitioner has submitted that he is the author, who had originally conceived the story in his childhood and, later on, he also wrote the same, on 25.02.2004, under the heading “Two-in-One”. He has submitted that the dialogue and screenplay were also completed in the year 2007 and it was read out to the respondent No. 6 in the year 2004 as also to one Rajesh Sharma in the year 2005. He has submitted that the story and script were registered with the Film Writers’ Association in Mumbai on 12.03.2009. He has submitted that due to the suspicious behaviour of the respondent No. 6, an informatory petition was filed before the learned Chief Judicial Magistrate, Patna, on 17.06.2011, apprehending that the petitioner’s story might be stolen. He has further submitted that in the year 2014, the petitioner came to know from the news media that film “Fan” was in the process of being made based on the story, which was similar to the petitioner’s story of film “Two-in-One”. It was submitted that thereafter, between 20.08.2015 and 29.08.2015, the producer of the film, both telephonically and through e-mail, was informed that the original writer of the film “Fan” was the petitioner alone, but even request, for a meeting to sort out the



problem, was not heeded to, due to which legal notice was sent to the respondent No. 4 through registered post on 29.10.2015, but the same was not responded to. Learned counsel has further submitted that earlier also, the story of film “Raajniti” was written by the petitioner, which was stolen with some modification, due to which he wanted to move the Hon’ble High Court, but filing of the same was refused due to which he filed a complaint case before the learned Chief Judicial Magistrate, Patna, which was later on converted into civil suit, which is still pending. It is, thus, submitted that the Court may redress the genuine grievance of the petitioner.

Learned counsel for the Union of India has opposed the writ application.

Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, this Court finds the writ application not only misconceived but also premature. The film had neither been released at the time of filing of the writ application nor details of the story of the film, as compared to the story alleged to have been written by the petitioner, have been brought on record. Moreover, it is a well settled position in law that disputes of such a nature can only be adjudicated by a civil court of competent jurisdiction after the evidence led by the parties are adduced in accordance with law.

The thrust of the argument, being based on similarity of

the story written by the petitioner of the film “Two-in-One” to that of the film of “Fan”, cannot be gone into or determined in a writ proceeding. The petitioner has also impliedly admitted to the position that such issues need to be adjudicated in a civil suit inasmuch as he himself has disclosed that with regard to his claim that story of the film “Raajniti” was also, originally, written by the petitioner, the matter is *sub judice* in a civil suit before the Sub Judge-1, Patna. This clearly indicates that he is well aware of the requirements of law and the forum, which is competent and equipped to decide such disputed questions of fact. Further, since the film was not released, when the writ application was filed, the writ application itself was premature as the actual story of the film “Fan” was not known even to the petitioner as he has not claimed the same.

For the reasons aforesaid, we find that the writ application is misconceived and devoid of merit and accordingly stands dismissed.

(Ahsanuddin Amanullah, J)

I agree
I. A. Ansari, ACJ

(I. A. Ansari, ACJ)

Sujit/-

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