

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1379 OF 2016

Durgaprasad Bhanu Majumdar	 Petitioner
V/s.	
The State of Maharashtra & Ors.	 Respondents

Mr. Ashok M. Saraogi for the Petitioner.

Ms. P.H. Kantharia, G.P., for Respondent No.1.

Mr. D.N. Mishra for Respondent No.2.

Mr. Kamlesh Jain, i/by Ms. Reena Jaiswal, for Respondent No.3.

Mr. Mangesh Mishra for Respondent No.4.

Mr. Sunil Shukla for Respondent No.5.

CORAM : S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 22ND JUNE, 2016.

P.C. :

1. After having heard both sides and perusing the Writ Petition and the affidavits, we are of the view that it is not possible for us to resolve the factual disputes in our limited jurisdiction. By the contents of the annexures to the Writ Petition and the version of the private Respondents, it appears that there are some civil disputes pending between them. We are only concerned with the request of Mr. Saraogi, learned advocate for the Petitioner, that as far as the Central Board of Film Certification is concerned, under the Cinematograph Act, 1952 and the Rules framed thereunder, it is not for the Board to enter into any private dispute. If the Board is served with a notice by a private party, it cannot stop the process

of film certification nor can hold-up the certificate merely because some civil suit is pending.

2. There may be civil suits pending, according to Mr. Saraogi, but in none of them is there a restraint against the Censor Board, nor is there any injunction prohibiting it from considering application of the Petitioner and issuing necessary certificate.

3. Mr. Saraogi relies upon an order in a pending title suit in that behalf.

4. We do not think that it is for us to resolve this whole issue. We do not enter into any larger controversy with regard to the power of the Censor Board to take cognizance of any such disputes, as are stated to be pending between the Petitioner and the private Respondents.

5. However, since the application made by the Petitioner has been processed and it is stated in para 4 that a certificate was also to be issued certifying the film on examining the contents and recommending UA Certificate, we direct that let the entire process be taken to its logical end by the Censor Board.

6. The Petitioner shall appear before Mr. Raju Vaidya, Regional Officer.

7. The Petitioner is free to produce all the documents, including certified true copies of the civil suits pending in different Courts and the orders made therein.

8. Equally, it would be open for the Regional Officer to call upon the private Respondents to place their versions before him. Let the Regional Officer take requisite decision in accordance with the Cinematograph Act, 1952 and the Rules framed thereunder, as expeditiously as possible and within a period of four weeks from the date of receipt of a copy of this order.

9. It would be entirely for the Regional Officer to decide whether to permit the parties to appear before him in person or to take their representations in writing on record. We clarify that this Court has not expressed any opinion on the rival contentions of both the parties. The Petition is disposed off accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [S.C. DHARMADHIKARI, J.]