

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.42 of 2012

Mrs.V.S.C. Dhanalakshmi

.. Petitioner

Versus

1. The Government of Tamil nadu
Rep. by Secretary to Government
Home (Cinema) Department
Fort St. George, Secretariat
Chennai-9.
- 2 The Additional Commissioner
(Cinema & Irrigation) Land Administration
Department, Chepauk, Chennai-5.
- 3 The District Collector
Tiruchirappalli
Tiruchirappalli district.
- 4 S.Padma
- 5 PL.Shanthi (deceased)
- 6 Palaniyappan
- 7 P.L.Valliyappan
- 8 Poornima
- 9 Egammai
R6 to R9 Substituted as LR's of deceased R5 by order dt.29/11/2013 in
MP No.1/13 in WP No.42/12 by SMKJ

.. Respondents

Prayer: Petition has been filed under Article 226 of the Constitution of India seeking Writ of Certiorari Calling for the records relating to the proceedings of the 1st respondent in G.O. D.No.1260 Home (Cinema) Department dated 26.12.2011 in respect of Indira Thirai Arangam, Trichy Road, Manapparai Trichy District and quash the same

For Petitioner : Mr. AR.L.Sundaresan, SC
for Ms.Ganthimathi

For Respondents 1 to 3 : Mr. V.Jayaprakash Narayanan
Spl. Government Pleader

For Respondents 4, 6 to 9: Mr.P.Vallippan

ORDER

Heard Mr. AR.L.Sundaresan, learned Senior Counsel for Ms.Ganthimathi, learned counsel for the petitioner, Mr. V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents 1 to 3 and Mr.P.Vallippan, learned counsel for the respondents 4 and 6 to 9.

2. The petitioner has come before this court challenging the order of the 1st respondent dated 26.12.2011, declined to renew the 'C' Form licence in respect of the Cinema Theatre, viz. Indira Thirai Arangam at Manapparai, Tiruchirappalli District.

3. The petitioner, and the 4th and 6th respondents are the joint owners of the theatre. Actually one late Mrs.P.L.Shanthi, who was the wife of the 6th respondent was the co-owner who bequeathed her share in favour of the 6th respondent by virtue of a Will. Though the theatre was running smoothly by the petitioner and the 4th & 6th respondents, subsequently disputes arose between the parties. Thereafter, the petitioner alone has been running the theatre, even though the 'C' Form licence was renewed in the name of all the three co-owners. However, subsequently, the petitioner was able to manage to get the 'C' Form licence in her own name. Therefore, when the petitioner applied for renewal, the 4th and 5th respondents objected the renewal of 'C' Form licence in the name of the petitioner. Finally, the 3rd respondent, who is the competent authority to grant/renew the 'C' Form licence, rejected the renewal application.

4. As against the said rejection order, an appeal has been preferred by the petitioner before the second respondent, who allowed the said appeal on 15.09.2010. The 4th respondent preferred a revision before the first respondent against the second respondent's order and the said revision was allowed on 26.12.2011, sustaining the objection raised by the private respondents. The said order of rejection passed by the 1st respondent is challenged before this court.

5. When the matter is called today, the petitioner's husband, 4th respondent's husband and the 6th respondent who derived title from the deceased 5th respondent through a Will are present before this court and made categorical statements that the matter has been settled between the parties and the parties agreed to renew the licence in the name of petitioner as well as the 4th and 6th respondents. The other respondents viz., 7 to 9 are other legal heirs of the deceased 5th respondent P.L.Shanthi.

6. A memo of compromise duly signed by the petitioner, 4th and 6th respondents and counter signed by their respective counsel has been filed. A perusal of the said Memorandum of compromise would reveal that the parties have agreed to get renewal of 'C' Form licence in the name of the petitioner, 4th and 6th respondents together.

7. In view of the categorical statements made by the parties before this Court and the memorandum of compromise dated 16.08.2016 filed before this Court, by recording the memo of compromise, this writ petition is disposed of by setting aside the impugned order and remanding the matter to the 3rd respondent with a direction to grant renewal of 'C' Form licence in the name of the petitioner, 4th and 6th respondents together, in the light of the order passed by this Court within a period of four weeks from

the date of receipt of copy of this order. The memo of compromise shall form part of the order. No costs.

16.08.2016

Index: Yes/No
Internet: Yes/No

Note: Issue on 17/08/2016

jv

To

1. The secretary to government, Government of Tamil Nadu,
Home (Cinema) Department, Fort St. George, Secretariat, Chennai-9.
- 2 The Additional Commissioner, (Cinema & Irrigation) Land Administration
Department, Chepauk, Chennai-5.
- 3 The District Collector, Tiruchirappalli, Tiruchirappalli district.

N.KIRUBAKARAN,J.

JV

W. P. No.42 of 2012

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