

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.6479 of 2012

M.P.Harikrishnan

.. Petitioner

vs.

1. The Secretary to Government
State of Tamil Nadu
Home (Cinema) Department
Fort St. George, Chennai - 600 009.
2. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 8.
3. The District Collector
Tiruvallur, Tiruvallur District.
4. The Executive Officer
Minjur Town Panchayat
Minjur, Tiruvallur District.
5. K.K.Cinema Theatre
rep. by its Proprietor, R.Shyamala
Plot No.177, Balaji Nagar
Tiruvar Padi, Ponneri Taluk
Tiruvallur District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the order of the 'C' Form License in R.C.No.26085/2009/M1, dated 31.5.2011 passed by the third respondent, to quash the same as being illegal, arbitrary, unconstitutional and consequently direct respondents 3 and 4 to demolish the fifth respondent's unauthorised cinema theatre at S.No.204/1 and 351/A in Plot Nos.1 and 2, Manikandan Avenue, Kattur Road, Minjur Village, Ponneri Taluk, Tiruvallur District.

For Petitioner

: Mr.M.Gnanasekar

For Respondents

: Mr.T.N.Rajagopalan
Spl. Government Pleader
for respondents 1, 3 and 4

Mr.N.Sampath
for 2nd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner is aggrieved by the grant of the 'C' Form license dated 31.5.2011 by the District Collector/third respondent. It is the case of the petitioner that there is no building plan approved nor any modification of the lay out plan, which has designated the area for residential purposes.

2. Notice has not been served to the fourth respondent despite directions.

3. We are informed that the license is issued on an yearly basis and thus possibly it would have been kept renewed though the relevant period is over.

4. In our view, it is for respondents 3 and 4 to verify whether the construction and the user is as per norms and only in that eventuality, 'C' Form license could have been issued. In this behalf, we take note of the proceedings of the third respondent dated 31.5.2011, in terms thereof the Revenue Divisional Officer was asked to inspect and report whether the encroachments had been demolished and the report was in the affirmative.

5. It is in these circumstances that the 'C' Form license was granted from 31.5.2011 to 25.8.2012. The period of 'C' Form license having been expired and the current position not being known, we are of the view that the petition has become infructuous and is accordingly disposed of. We make it clear that this would not preclude the competent authorities from verifying the current position.

The petition is disposed of accordingly. No costs. Consequently, M.P.Nos.1 to 3 of 2012 are closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government
State of Tamil Nadu
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Fort St. George, Chennai - 600 009.
2. The District Collector
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3. The Executive Officer
Minjur Town Panchayat
Minjur, Tiruvallur District.
4. The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai - 8.

+1 cc to Mr.N.Sampath,advocate,sr.66600

+1 cc to Mr.M.Gnanasekar,advocate,sr.67161

+1 cc to government Pleader,sr.66720

vd(co)
krd 29/11

W.P.No.6479 of 2012

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