

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.541 of 2015

1 Mrs. K.Gomathy [Petitioners]
2 K.Raman
3 K.Vikraman

Vs

1 The Commissioner of Police
Egmore Chennai-8.
2 M/s. Ganapathyram Theatre
Rep. by its Manager G.Jayakumar
No.101 Dr.Muthulakshmi Road
Adyar Chennai-20. [Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing 1st respondent to take appropriate action against the 2nd respondent for running the theatre without proper licence and order to closure of the above Theatre.

For Petitioners : Mr.A.Elangovan
For Respondents : Mr.A.Zakir Hussain
Government Advocate (R1)
R2-NA

ORDER

The above writ petition has been filed by the petitioners to issue a writ of mandamus, directing the 1st respondent to take appropriate action against the 2nd respondent for running the theatre without proper licence and to order closure of the said Theatre.

2.1 According to the petitioners, Ganapathyram Theatre situated at No.101 Dr.Muthulakshmi Road, Adyar, Chennai-20, was originally owned by their father G.Krishnakumar and their father's brothers and that they were running the said Theatre as a Partnership Firm. The 'C' Form licence was issued in the name of Ganapathyram. The petitioners father had died on 10.03.1985. Thereafter, the petitioners, being his legal heirs, became the partners in the said Theatre.

2.2 According to the petitioners, as of today, there are eight partners including the petitioners and the Theatre is being managed by one Jayakumar. Further, according to the petitioners, since the 2nd respondent had not fulfilled the requirements of the Tamil Nadu Cinemas (Regulation) Act, 1955 and the rules framed therein, the 1st respondent cannot issue 'C' Form licence, which got expired on 27.04.2013.

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2.3 The petitioners have stated that on 19.03.2013, they wrote a letter to the 1st respondent objecting for renewing the 'C' Form

licence, after its due date of expiry. Further, the petitioners have stated that even after the expiry of the 'C' Form licence, the Theatre is being run by the other partners, without proper permission.

2.4 On 05.08.2013 also, the petitioners wrote a letter to the 1st respondent informing that the Theatre is being run without proper licence. Further, the petitioners have stated that inspite of receiving the letters, the 1st respondent has not taken any action.

In these circumstances, the petitioners have filed the above writ petition.

3. The 1st respondent has filed his counter, wherein, it has been stated that the Inspector of Police, J2 Adyar Police Station, Greater Chennai Police, in his report dated 15.07.2016 has stated that the owners of the Ganapathyram Theatre have obtained stay in W.M.P.No.6221 of 2016 in W.P.No.18539 of 2016 before this Court against the rejection order passed by the 1st respondent. Further, it has been stated that the Inspector of Police has stated that there is a dispute between the partners of the said Theatre in running the Theatre and hence the Theatre is not functioning from 03.06.2016 onwards.

4. It is also brought to the notice of this Court that due to the dispute between the partners of the Ganapathyram Theatre, a show cause notice was issued by the 1st respondent regarding the renewal of 'C' Form licence. The said show cause notice was received by all the 8 partners of the Ganapathyram Theatre and out of the 8 partners, 5 partners have submitted their explanation on 20.02.2016 and the other partners did not submit their explanations. Since the explanation given by the 5 partners was not convincing, the 1st respondent rejected the request of the applicants for renewal of 'C' Form licence of the Ganapathyram Theatre and passed an order on 28.04.2016. As against this order, the 2nd respondent has filed a writ petition in W.P.No.18539 of 2016 and this Court by order dated 26.05.2016 has granted an order of interim stay.

5. It is settled position that the 2nd respondent cannot run the Theatre without proper licence granted by the authority. Since it has been stated by the 1st respondent that he had taken action and that the 2nd respondent Theatre is not functioning from 03.06.2016 onwards, no further order is required in this writ petition.

With these observations, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To
The Commissioner of Police
Egmore Chennai-8.
+1 cc to Mr.A.Ilangovan, advocate,sr.46049
+1 cc to Govt.Pleader,sr.45940