

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12439 of 2016

ORDER:

The prayer of the petitioner theatre in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not passing any order on the request of the Petitioner Theatre for alteration of the seating capacity in the Petitioner Theatre, as per its application dated 28-03-2016 as illegal, null and void and contrary to the Judgment reported in 1999 (5) ALD 693 and consequentially direct the 2nd respondent to issue orders to the petitioner for alteration of seats and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

The petitioner theatre relies on earlier judgments of this Court in support of its plea that it is entitled to enhance its seating capacity. The petitioner theatre's application dated 28.03.2016 addressed to the Joint Collector, Krishna District, is still pending consideration.

As the authority concerned is yet to apply its mind to the petitioner theatre's request for increase in its seating capacity, this Court is not inclined to entertain this writ petition for adjudication on merits.

The writ petition is accordingly disposed of directing the Joint Collector, Krishna District, Machilipatnam, to consider the petitioner theatre's application dated 28.03.2016 in accordance with law and the decisions rendered by this Court on the issue expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

18th April, 2016

Note:-

Issue CC in three days.

B/o

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