

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.647 of 2010

ORDER:

1. This writ petition was filed challenging the action of the respondents in not taking action against the 9th respondent despite reports submitted by the 8th and 4th respondents in letters dated 23.07.2009 and 19.11.2009 in connection with the running of Manoj Cinema hall constructed without leaving set backs and situated in a residential locality causing sound pollution problem etc.,

2. The Joint Collector, Nalgonda District, who is the licensing authority, filed a counter-affidavit stating as follows:

“The theatre is air conditioned one and fully closed and sound proof, no sound pollution will come outside. The theatre management has arranged to flow the rain water and drainage water outside the lane system as such no inconvenience causes to the petitioner. The theatre having two sides roads, one side open place and one side residential houses. The management has left the total stilt ground floor area for parking only, which is having measurement of 60 x 120 feet. Further on his enquiry it is revealed that the main objection of the residents near the theatre is disturbance due to movement of traffic of viewers of the cinema at the time of starting and closing of the cinema shows. The theatre is newly constructed one and constructed in the year 2005-06 vide Joint Collector, Nalgonda proceedings No.C1/3920/04, dated 12.05.2004 and exhibition of cinemas permission issued vide No.H7/1873/2008, dated 13.03.2009. One side there is no set back and theatre is maintaining neatly.

I respectfully submit that the authorities have thoroughly inspected the 9th respondent theatre and granted permission for license. I submit that the

Manoj theatre of Deverkonda is an Air Conditioned Theatre and running since 2008.

I submit that the allegation of the petitioners that high sound is coming due to the 9th respondent cinema hall while running the cinema and also bad smell is coming to it from sound and drainage (from latrine and bathrooms) and also causing disturbance to their studies due to the sound of this theatre are false and hence the same are denied.”

3. In view of the statement made by the Joint Collector, Nalgonda District, who is the competent authority, and in the absence of any evidence to the contra, the relief sought for by the petitioners cannot be granted.

4. The Writ Petition is accordingly dismissed. However, this order will not prevent the petitioners from filing a complaint in accordance with law as and when the petitioners come to know of any violation of the rules or regulations for running the cinema theatre. No order as to costs.

5. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

29-02-2016

Gsn