

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13499 of 2017

and

W.M.P.No.14572 of 2017

J. L. Arjun Krishna
@ Ashok Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Home (Cinemas Department)
Fort St. George
Chennai -600 009.

2. The District Collector/Licensing Authority
Coimbatore District,
Coimbatore.

3. The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

4.N.Jeganathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his proceedings NA KA No.18893/2015/Oo 2 dated 16.05.2017 and quash the same and to direct the second respondent to consider and pass orders on the application dated 14.03.2017 to renew the 'C' form Licence granted to the petitioner and his brothers and pass further orders.

For Petitioner : M/s.Lita Srinivasan

For Respondents : Mr.N. Srinivasan,
Additional Government pleader
for R1 to R3

Mr.S.Thagavelu for R4

ORDER

This Writ Petition has been filed seeking to quash the proceedings NA KA No.18893/2015/Oo 2 dated 16.05.2017 of the 2nd respondent and to direct the 2nd respondent to consider and pass orders on his application dated 14.03.2017, to renew the 'C' form Licence granted to the petitioner and his brothers.

2. The learned counsel for the petitioner submitted that the petitioner's father/ 4th respondent, settled his properties in favour of the petitioner and his brothers vide registered settlement deed during December 2014. Based on relevant documents, the "C" license also transferred to the name of the petitioner and his brothers. According to the petitioner, due to family dispute, the 4th respondent has claimed that the transfer of "C" license issued on the basis of the forged signatures. Although the "C" license is being renewed periodically in the name of the petitioner and his brothers, the 2nd respondent has passed the impugned order, by directing the petitioner to close the theatre immediately. Aggrieved by the same, the petitioner has filed this writ petition.

3. According to the petitioner, the aforesaid order is an interim order and as of today, no final orders have been passed by the 2nd respondent, the licensing authority. Learned counsel for the petitioner would submit that it would be suffice if this Court directs the 2nd respondent to pass final orders, within a time frame fixed by this Court.

4. Learned Additional Government Pleader would submit that the impugned order is only a temporary order, issued on the basis of the complaint made by the 4th respondent.

5. Learned counsel appearing for the 4th respondent would submit that in the event of this Court directs the 2nd respondent to pass final orders, the 4th respondent shall also be provided with an opportunity to make his objection, before the 2nd respondent.

6. Heard the rival submissions made by the learned counsel for the parties and perused the material available on record.

7. In the light of the limited relief sought for by the learned counsel for the petitioner, moulding the relief prayed in the present writ petition, this Court is inclined to direct the 2nd respondent to consider and pass final orders, on merits and in accordance with law, after providing an opportunity to the parties concerned, as expeditiously as

possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of, on the above terms. Consequently, the connected M.P is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar
avr

To

1. The Secretary to Government
Home (Cinemas Department)
Fort St. George
Chennai -600 009.
2. The District Collector/Licensing Authority
Coimbatore District,
Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore South,
Coimbatore.

+1cc to M/s.Lita Srinivasan, Advocate, S.R.No.43968
+1cc to Mr.S.Thagavelu, Advocate, S.R.No.43993
+1cc to the Government Pleader, S.R.No.44216

W.P.No.13499 of 2017
and
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RV (CO)
CA(07/07/2017)

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