

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.13852 of 2017

Vaikunth Kasturirangan ... Petitioner

-vs-

State, Rep. by

- 1.The Chairperson,
Central Board of Film Certification,
Films Division Complex, Phase-I Building,
9th Floor, Dr.G.Deshmukh Marg,
Mumbai 400 026.
- 2.The Joint Secretary,
Ministry of Information & Broadcasting,
Room No.552, A Wing Shastri Bhawan,
New Delhi 110 001.
- 3.The Joint Secretary,
Joint Secretary Admin,
Ministry of Women & Child Development,
Shastri Bhawan, New Delhi-110 001.
- 4.The Commissioner of Police - Greater
Chennai, 132, Commissioner Office Bldg.,
EVK Sampath Road, Vepery,
Chennai 600 007.
- 5.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

(R-5 suo motu impleaded as per
order of Court passed today in WP)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 4 to urgently consider the petitioner's representations dated 01.06.2017 to respondents 1 to 4 and direct the respondents to immediately suspend all forms screening the film ''BAYWATCH'' across various theaters in India scheduled on 02.06.2017 as it has misled the Public by suppressing the fact that it is certified as ''A'' Rating by CBFC (Central Board of Film Certification) and further direct the respondent 1 to impose such penalties and punishment for such gross violations and also direct the respondent 4 to register a case based on the complaint given by the petitioner.

For Petitioner : Mr.K.Arvind

For Respondents : Mr.V.Venkatasamy Babu
for RR 1 to 3
: Mr.M.K.Subramanian
Govt. Pleader for R-4
: Mr.M.K.Subramanian
Govt. Pleader and
Mr.R.Vijayakumar, Addl. G.P.
for R-5.

* * * * *

O R D E R

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

This writ petition in public interest has been filed seeking orders suspending the screening of Priyanka Chopra starring ''Baywatch'', which, according to the petitioner, has been cleared by the Central Board of Film Certification (CBFC) with ''A'' certificate, that is, only for Adults. The certificate of the CBFC clearing the film has, however, not been enclosed to the writ petition. The petitioner has only enclosed the print outs of downloaded internet version of India Today, which indicate that the film has been cleared with 'A' certificate.

2.According to the petitioner, the film was advertised for the first time yesterday. The petitioner has stated that the film ''Baywatch'' has been advertised in newspaper without indicating that the same has been released with the 'A' certificate.

3.Mr.M.K.Subramanian, learned Government Pleader, who accepts notice for respondent no.4, has drawn our attention to the website for on-line booking of tickets for the film 'Baywatch', which indicates the 'A' certification endorsement.

4. Significantly, in the writ petition, neither the producers nor the distributors nor the owners / operators of the Cinemas have been impleaded as respondents. There are no cogent materials on the basis of which this Court can definitely arrive at the conclusion that persons who are not adults are being allowed entry to the screening of the film. A blanket order suspending the screening of the film not only in this State, but all over India, as prayed for in the writ petition, prima facie, appears to us to be motivated.

5. We are not inclined to pass a blanket order suspending the screening of the film, when, on the face of the averments in the writ petition, the film has been cleared by the CBFC.

6. It appears that only the Commissioner of Police, Chennai, has been impleaded as respondent no.4. We deem it appropriate to add The Director General of Police, Dr. Radhakrishnan Salai, Mylapore, Chennai 600 004, as respondent no.5. Memo of parties be amended suitably.

7. We direct respondents 4 and 5 to ensure that persons who are not adults are not permitted entry to the screening of the film 'Baywatch', if, as contended by the petitioner, the film has, in fact, been cleared with 'A' certificate.

8. Writ petition is disposed of with the above direction. There shall be no order as to costs.

-s/d-

Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

sra

To

1. The Chairperson,
Central Board of Film Certification,
Films Division Complex, Phase-I Building,
9th Floor, Dr. G. Deshmukh Marg,
Mumbai 400 026.

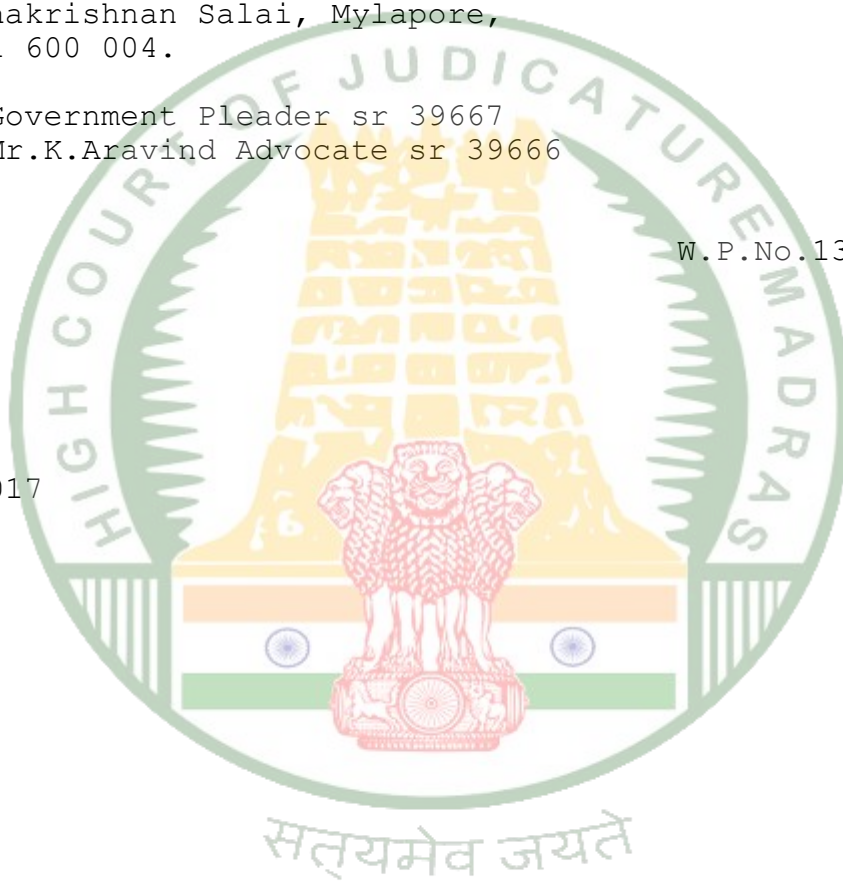
2. The Joint Secretary,
Ministry of Information & Broadcasting,
Room No. 552, A Wing Shastri Bhawan,
New Delhi 110 001.

- 3.The Joint Secretary,
Joint Secretary Admin,
Ministry of Women & Child Development,
Shastri Bhawan, New Delhi-110 001.
- 4.The Commissioner of Police - Greater
Chennai, 132, Commissioner Office Bldg.,
EVK Sampath Road, Vepery,
Chennai 600 007.
- 5.The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

+1 cc to Government Pleader sr 39667
+3 cc to Mr.K.Aravind Advocate sr 39666

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