

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. No.18539 of 2016
and W.M.P.Nos.16221 and 16222 of 2016

M/s.Ganapathy Ram Theatre,
Rep.by its Partner, G.Jayakumar,
No.101, Dr.Muthulakshmi Road,
Adyar, Chennai-20 .. Petitioner

Vs.

1. The Licensing Authority,
The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai-7
2. Mrs.K.Gomathy,
3. K.Ramanan
4. K.Vikraman ... Respondents

R-2 to R-4 are impleaded as per Order dated 20.10.2016 in W.M.P.No.29917 of 2016 in W.P.No.18539 of 2016.

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issuance of a Writ of Certiorarified Mandamus, calling for the records of the Impugned Order dated 28.04.2016 in Rc.No.E2(1)/118/17186/2013 passed by the respondent herein, relating to rejection of grant of either permanent Form "C" or temporary Form "E" license and to quash the same as illegal, arbitrary, unconstitutional, ultra-vires of the constitution and consequently, direct the respondent herein to grant Form "C" license to the petitionr herein.

For Petitioner : Mr.S.Sathya Narayanan

For R-1 : Mr. R.Govindaswamy,
Addl. Government Pleader

For RR 2 to 4 : Mr.Om.Prakash, SC
for Mr.A.Ilangovan

O R D E R

Heard Mr.S.Sathya Narayanan, learned counsel appearing for the petitioner and Mr. R.Govindaswamy, learned Additional Government Pleader appearing on behalf of the 1st respondent and Mr.Om.Prakash, learned Senior Counsel appearing for Mr.A.Ilangovan, learned counsel for the respondents 2 to 4.

2. The learned counsel for the petitioner would submit that the Writ Petition has been filed against the rejection of the renewal of the "C" Form License for the period 2013 - 2014. By virtue of this, the Writ petitioner also filed an application for renewal of "C" Form License for the period 2014-2015, 2015-2016 and 2016-2017. In view of the Interim Order granted by this Court in the said application, no order has been passed by the Licensing Authority for the said periods. The learned counsel for the petitioner submitted that the aforesaid Writ Petition has now become infructuous, as the period itself, has come to an end. Subsequently, the petitioner has filed an application for renewal of "C" Form License for the period 2017-2018 and the same is now pending. The said application for the renewal of the "C" Form for the period 2017 - 2018 was made on 06.02.2017. Hence, the petitioner seeks this court to pass appropriate orders to consider the said application in accordance with law.

3. The learned Additional Government Pleader appearing for the 1st respondent would submit that the said application is pending before the first respondent. If any direction is granted by this court, the same will be considered in accordance with law. The learned counsel for the respondents 2 to 4 would submit that if the said application is considered, an opportunity shall be granted to the respondents 2 to 4 to submit their objections, if any, in the aforesaid renewal of "C" Form licence.

4. Thus, admittedly, the application for renewal of "C" Form licence for the period of 2017-2018 is now pending before Licensing Authority, namely, the first respondent.

5. In the light of the submissions made by the learned counsel for the parties, this Court passes the following order:

- (1) The 1st respondent is directed to provide an opportunity to the respondents 2 to 4 for making their objections within a period of three weeks from the date of receipt of a copy of this order. If any objection is received, the Writ petitioner is permitted to file a reply to the objection and the same shall be filed within a period of three weeks thereafter.

- (2) Thereafter, the 1st respondent is directed to consider petitioner's "C" Form License application dated 06.02.2017 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months.
- (3) Any observation made by this Court in the order passed today, will not stand in the way of the 1st respondent to consider the "C" Form License application. Interim order dated 26.05.2016, passed by this Court in WMP No.16221 of 2016 is vacated.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

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//True Copy//

Sub Assistant Registrar

jv/lok

To

1. The Licensing Authority,
The Commissioner of Police,
Greater Chennai Police,
Vepety, Chennai-7.

+lcc to the Government Pleader, Sr. 21927

+lcc to M/S.A.Ilangovan, Advocate Sr.21696 (06.07.2017)

W.P. No.18539 of 2016

NR(CO)

VR(15/06/2017)

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