

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 23790 of 2016

and W.M.P.No.20392 of 2016

L.M.Nandagopal

Petitioner

vs.

1.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery,
Chennai 600 007.

2.Mr.L.M.Narasimhan

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 04.09.2015 and after giving an opportunity of being heard to the petitioner and the second respondent and pass orders thereon within such time.

For Petitioner : Mr.V.Prakash S.C
for Mr.Shubharanjani Ananth

For Respondents : Mr.R.Govindasamy,
Additional Govt. Pleader
for R1
Mr.M.Selvam,
for R2

ORDER

The petitioner has filed this writ petition to direct the first respondent to consider the petitioner's representation dated 04.09.2015 and pass orders after giving an opportunity of hearing to the petitioner and the second respondent.

2. The learned senior counsel for the petitioner submitted that the theatres namely, Gopikrishna Paradise, Radha Paradise and Rukmani Paradise were established by the father of the petitioner viz., L.K.Markandeyan. On his demise, his wife Mrs.Andal Ammal and his sons viz., L.M.Nandagopal, the petitioner herein and his elder brother L.M.Narasimhan, the second respondent herein were carrying on business of running the theatres in the name and style of M/s.Gopikrishna Paradise under the partnership firm.

3. The learned senior counsel further submitted that Mr.V.C.Jayaraman, father-in-law of the second respondent has offered to purchase the land and building comprised in Town Survey No.103, Plot No.15 at Muthalamman Koil Street, Ayanavaram, Chennai together with licences and authorizations, for a sum of Rs.3 Crores. As the said amount is due and unpaid as per the Memorandum of Agreement dated 11.06.2004, the sale deed has not been executed. In such circumstances, as per the order passed by the first respondent on 07.09.2010, the petitioner and the second respondent have applied for renewal of "C-Form" licence in the year 2010 and the same was renewed.

4. Moreover, the learned Senior Counsel submitted that after the renewal of "C-Form" licence, the second respondent denied access to the petitioner to enter into the theatre premises in connivance with his father-in-law. Hence, the petitioner sent a legal notice to Mr.C.V.Jayaraman, Mr.L.M.Narasimhan, second respondent and Mrs.M.Andalammal claiming dissolution of the partnership firm and he also caused a Public notice dated 02.06.2012 in a local daily stating that the Memorandum of Agreement of sale stood in respect of the theatres and the land at Muthalamman Koil Street, Ayanavaram, Chennai has been terminated. At this stage, the second respondent has concealed the above said facts and filed an affidavit before the first respondent for renewal of "C-Form" licence. Hence, the petitioner made an objection to renew the "C-Form" licence in favour of the second respondent in respect of the theatres and the land situated at Muthalamman Koil Street, Ayanavaram, Chennai.

5. The petitioner has also preferred an appeal under Section 19 of the RTI Act before the Deputy Commissioner of Police and the same has not been considered. Hence, the petitioner has submitted his representation dated 04.09.2015 before the first respondent and the same is still pending. Hence, the petitioner has come forward with this present writ petition before this Court.

6.The learned counsel for the first respondent submitted that the appeal filed by the petitioner is still pending with the Deputy Commissioner of Police and the same shall be considered if a direction is given by this court.

7.The learned counsel for the second respondent submitted that so far "C-Form" licence has not been renewed by the first respondent because of the pendency of the present writ petition.

8. Considering the facts and circumstances of the case and also considering the submissions made by the respective parties, this Court is inclined to pass the following order:

(i)The first respondent is directed to give a copy of the application for renewal of "C-Form" licence to the petitioner and the second respondent;

(ii)On receipt of the copy of the application for renewal of "C-Form" licence, the petitioner is directed to file his objection before the first respondent within a period of one week after serving a copy of the same to the second respondent. On receipt of such objection, the second respondent is permitted to file his reply, if any, and serve the copy of the same to the petitioner;

(iii)On receipt of the petitioner's objection, the first respondent is directed to dispose of the petitioner's representation dated 04.09.2015 on merits and in accordance with law after giving opportunity to both parties within a period of three weeks thereafter.

9.With the above said directions the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

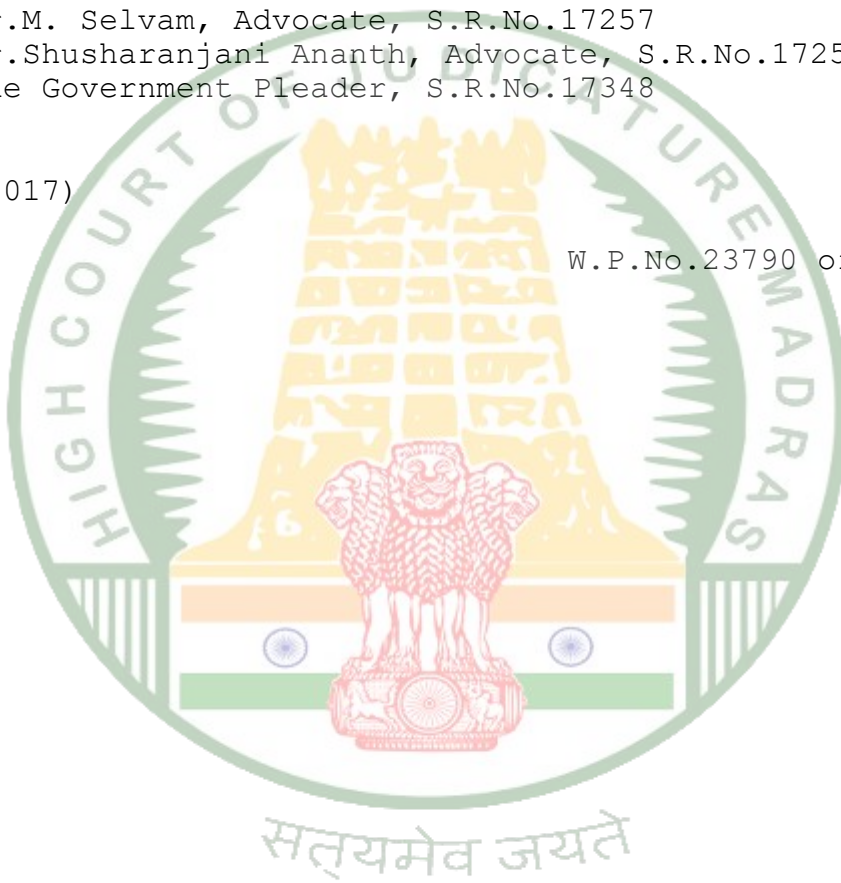
cla

To
The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai 600 007.

+1cc to Mr.M. Selvam, Advocate, S.R.No.17257
+1cc to Mr.Shusharanjani Ananth, Advocate, S.R.No.17258
+1cc to the Government Pleader, S.R.No.17348

rsy(CO)
md(25/04/2017)

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