

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No. 35868 of 2016

and

W.M.P.Nos.30810 & 30811 of 2016

S.S.R.Rajendra Kumar

... Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai Police
E.V.K.Sampath Road
Vepery, Chennai - 600 007.

2. S.R.Bhagyalakshmi
No.2/2, H.D.Raja Street
Teynampet, Chennai - 600 018.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein relating to his impugned show cause Notice issued R.C.No.E2(1) 143230/2012 dated 15.08.2016 signed on 17.08.2016 and quash the same and consequentially direct the 1st respondent to issue the "C" form license to the "S.S.R.Pankajam Theatre" A/C Dts located at old Door No.25, New Door No.32, Arunachalam Road, Saligramam, Chennai - 600 093.

For Petitioner : Mr.K.Krishnan

For Respondents : Mr.C.Manishankar
Additional Advocate General
Assisted by
Mr.T.M.Pappiah [For R1]
Special Government Pleader
Mr.P.Muthukumar [For R2]

O R D E R

The son and daughter of the celebrity S.S.Rajendran are fighting over the property in which S.S.R.Pankajam Theatre is located. The property is comprised in Survey Nos.143/1, 143/2, 144/1 and 144/2 to an extent of 3 acres 3 cents at Saligramam Village, having been purchased by the mother of the petitioner as well as the 2nd respondent.

2. After the demise of the mother of the petitioner and the 2nd respondent in 1996, brothers and sister of the 2nd respondent entered into a partition deed 17.09.2001 and "A" schedule property was allotted to the petitioner's brother and the 2nd respondent and another brother S.R.Elangovan. Thereafter, the 2nd respondent and another brother S.R.Elangovan entered into a partition deed document No.404 of 2004 dated 22nd November 2004 by which "B" Schedule property was allotted to the petitioner and the second respondent. Both the petitioner and the 2nd respondent have been jointly running the Cinema Theatre and divided the profits between them by having "C" Form license. Since the "C" form license expired, the petitioner applied for renewal and the said renewal application has been rejected. The said order is being challenged.

3.Considering the dispute is between the brother and sister, this Court advised the authorities to approach Mr.Justice D.Hariparanthaman for mediation and this Court also requested the learned Judge to mediate between the parties by virtue of order dated 25.11.2016. The learned Judge successfully mediated by which a Memorandum of Agreement and Understanding was entered into between the petitioner and the 2nd respondent on 15.12.2017. Entire property has been shown as "A" schedule property and the property shown as "B" schedule property has been allotted to the petitioner. The property shown as "C" schedule property has been allotted to the 2nd respondent.

4.The Memorandum of Agreement and Understanding has been filed before this Court. This Court has also received the report of the Mr.Justice D.Hariparanthaman. Since the parties have settled the matter before the Mediator and the Memorandum of Agreement and Understanding entered between the parties and the parties have already taken a decision to demolish the theatre within 3 months period, they are at liberty to do so as per the Memorandum of Agreement and Understanding. Since the theatre is to be demolished, the question of considering the impugned order does not arise. The Memorandum of Agreement and Understanding dated 15.12.2017 shall form part of the order.

5.Recording the same, the writ petition stands disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

* xerox copy of the Memorandum of
Agreement and Understanding attached

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

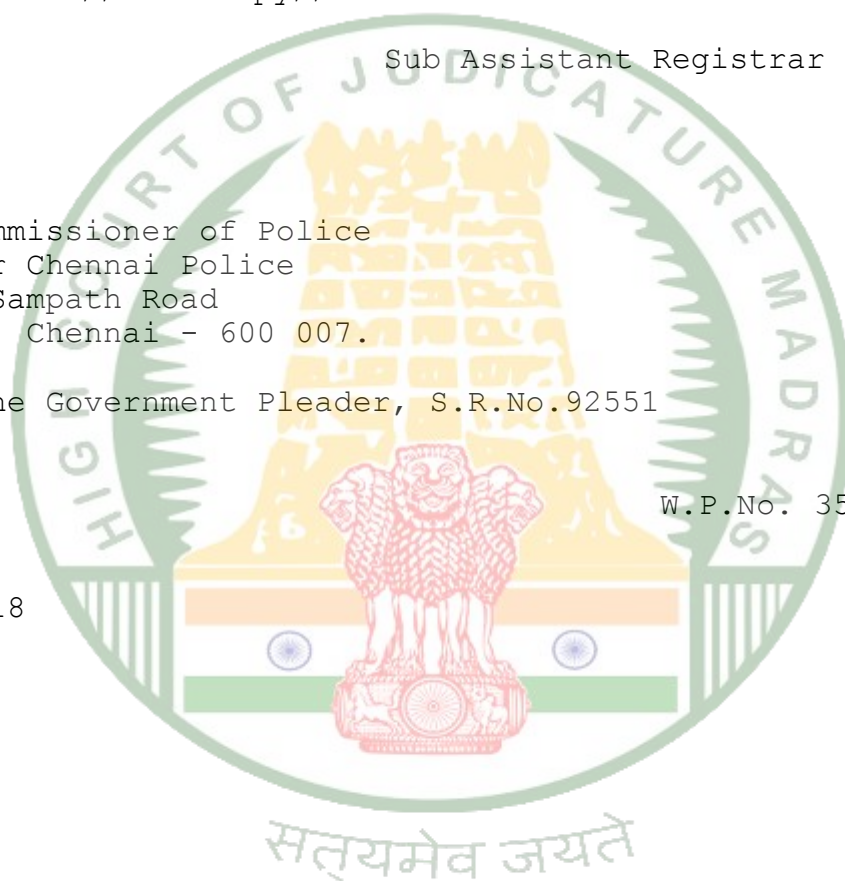
may
To

1. The Commissioner of Police
Greater Chennai Police
E.V.K.Sampath Road
Vepery, Chennai - 600 007.

+1cc to the Government Pleader, S.R.No.92551

W.P.No. 35868 of 2016

kan(co)
cs/25/01/18



WEB COPY