

**C.M. No.2276 of 2017 and
CWP No.18670 of 2014**

-1-

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**C.M. No.2276 of 2017 and
CWP No.18670 of 2014
Date of Decision.01.05.2017**

Jatinder Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

Present: Ms. Seema Arora, Advocate
for the petitioner.

Mr. Abhilaksha Grover, Advocate
for respondent No.3.

Ms. Monica Chhibber Sharma, DAG, Punjab

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-:-

AMIT RAWAL J.(ORAL)

C.M. No.2276 of 2017

For the reasons stated in the application, order passed by this Court on 18.01.2017 is recalled and the writ petition is restored to its original number.

Application is allowed.

CWP No.18670 of 2014

The petitioner, who is stated to be a frequent cinema goer, has filed the writ petition seeking quashing of the licence conditions dated 30.07.2014 (Annexure P-1) issued by respondent No.2-District Magistrate-cum-Licensing Authority in favour of respondent No.3-M/s DFP Enterprises Limited, Nawanshahr for exhibition of films through video cassettes recorders/players in complete violation of the Cinematograph Act, 1952 and the Rules framed therein and also seeking issuance of writ in the

licence on the ground that there has been violation of aforementioned conditions. In this regard, a representation dated 19.08.2014 (Annexure P-2) was submitted to the District Magistrate, Nawanshahr but no action has been taken so far. The photographs (Annexures P-3 and P-4) showing the seating capacity in red and blue audi show that the exceeded seating capacity has been used. Moreover, as per Rule 16 of the aforementioned Rules in addition to system of entrance, passage, corridor, seat rows etc. at least there should be an open space of not less than 10' in width and an open space of 20' on the 3rd side of parking of vehicle, thus, the cinema hall is running in complete violation of provisions of the Cinematograph Act, 1952 and the Rules framed therein.

The stand of the State in the aforementioned case is with regard to locus standi of the petitioner, much less, non-receipt of any alleged representation dated 19.08.2014 (Annexure P-2). All the NOCs have been taken by respondent No.3.

I have heard learned counsel for the parties and appraised the paper book. It is the stand of the respondents that all the requisite NOCs required under Punjab Exhibition of Films on VCR (Regulations) Rules, 1989, which had been obtained vide letter dated 18.07.2014, much less, from PWD (B&R) and Executive Engineer, Water Supply and Sanitation Division. No representation dated 19.08.2014 (Annexure P-2) has ever been made or received. Section 19 of the Punjab Exhibition of Films on Television Screen through Video Cassette Player (Regulations) Rules, 1989 also provides an alternative remedy.

In my view, the petitioner has not been able to establish the

a motive to harass respondent No.3 so that he succumbs to the pressure of the petitioner. The petitioner has miserably failed to rebut the stand of the respondents, therefore, the grievance of the petitioner cannot be vindicated. Resultantly, the writ petition stands dismissed.

**(AMIT RAWAL)
JUDGE**

May 01, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No