

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.5628 of 2012

ORDER:

The relief sought for in this writ petition is for a mandamus to declare the proceedings of the 2nd respondent dated 09.02.2012 as illegal, null and void, and to direct the 2nd respondent to transfer the licence in the name of the petitioner. By way of interim relief, the petitioner sought suspension of the impugned proceedings. By order, in WPMP.No.7140 of 2012 dated 01.03.2012, interim suspension, as prayed for, was granted.

In the impugned order dated 09.02.2012, the Joint Collector, while taking note of the explanation submitted by the petitioner on 31.01.2012, observed that her explanation was not agreeable in view of the safety of the viewers as the management of the theatre had violated the A.P. Cinemas (Regulation) Rules, 1970 (for short "the Rules").

Neither Rule 5 nor Rule 9 of the Rules refer to the safety of the viewers and, as such, the justification given for rejecting the petitioner's representation is not tenable. As the petitioner's entitlement to run the cinema theatre beyond three months, without seeking permission for grant of a licence in her favour as the successor of the deceased-licensee, is in issue, suffice it to direct the respondents to pass a reasoned order afresh, in the light of Rules 5 and 9 of the Rules; and to direct that, till orders are passed afresh, no coercive action shall be taken against the petitioner. There shall be an order accordingly.

The Writ Petition is disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

15th June, 2018
JSU

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Date: 15.06.2018

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