

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26026 & 26027 and 26786 & 26787 of 2007
and MP.Nos.1 & 1 of 2007 and 2 & 2 of 2007

Central Theatre, Coimbatore
by its Proprietor B.Ramachandran
alias Sreeraj,
No.484/625 Mettupalayam Road
Coimbatore 641 002.

...Petitioners
in all W.Ps.

/Versus/

The District Collector,
Coimbatore.

...Respondent
in all W.Ps.

COMMON PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records and proceedings in Na.Ka.Nos.22844/2007/E2, 22843/2007/E2, 22844/2007/E2 and 22843/2007/E2 dated 23.07.2007, 17.07.2007, 26.07.2007 and 24.07.2007 respectively on the file of the respondent pertaining to the enforcement of penalty of the suspension of "C" form licence of Central Theatre, Mettupalayam Road, Coimbatore imposed on previous licensee on the petitioner and quash the same.

For Petitioner : Mr.S.Srinivasan

For Respondents : Mr.J.Ramesh
Additional Government Pleader

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O R D E R

These writ petitions have been filed seeking to quash the proceedings in Na.Ka.Nos.22844/2007/E2, 22843/2007/E2, 22844/2007/E2 and 22843/2007/E2 dated 23.07.2007, 17.07.2007, 26.07.2007 and 24.07.2007 respectively on the file of the respondent pertaining to the enforcement of penalty of the suspension of "C" form licence of Central Theatre, Mettupalayam Road, Coimbatore imposed on previous licensee, on the petitioner.

2.The proprietor viz., B.Ramachandran is the present "C" form licence holder for the petitioner cinema theatre at Coimbatore. Originally, the "C" form licence was granted in favor of the petitioner's grandfather V.Ramasamy and after his death, it was transferred in favour of the petitioner's father. Due to a litigation between the petitioner's father and his step grandmother with regard to inclusion of her name as joint licensee, the "C" form licence was not renewed and the theatre was also not functioning from 20.12.2001 onwards. The petitioner's father died on 12.01.2002 and the objector viz., step grandmother also expired on 08.12.2004. Thereafter, the petitioner has spent huge money and renovated the theatre and the "C" form licence was also renewed in favour of the petitioner by proceedings of the respondent dated 13.01.2007 and the theatre has started running. While so, the petitioner received impugned orders from the respondent in Na.Ka.Nos.22844/2007/E2, 22843/2007/E2, 22844/2007/E2 and 22843/2007/E2 dated 23.07.2007, 17.07.2007, 26.07.2007 and 24.07.2007 respectively stating that the respondent proposes to enforce the penalty of one month, 3 days, one month and 3 days respectively for suspending "C" form licence of the petitioner's theatre. Aggrieved against the order of cancellation of "C" form licence, the petitioner has filed these present petitions with the aforesaid prayer.

3.The learned counsel for the petitioner submits that for the irregularities committed in the cinema theatre during his grandfather's period, who is the previous licensee, the act of the respondent in imposing penalty on the present licensee is illegal. He further submitted that though the penalty expired in the year 2007 itself, however imposing the penalty on the present licensee after a period of 11 years is unsustainable.

4.The learned Additional Government Pleader submitted the penalty period already expired and therefore nothing survives in this petition.

5.In view of the above submissions and also that the penalty period is already over, nothing survives for further adjudication in these petitions. Accordingly, these writ petitions stand closed. However, it is made clear that this order will not stand in the way of the respondent, in case of future violation by the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

rm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

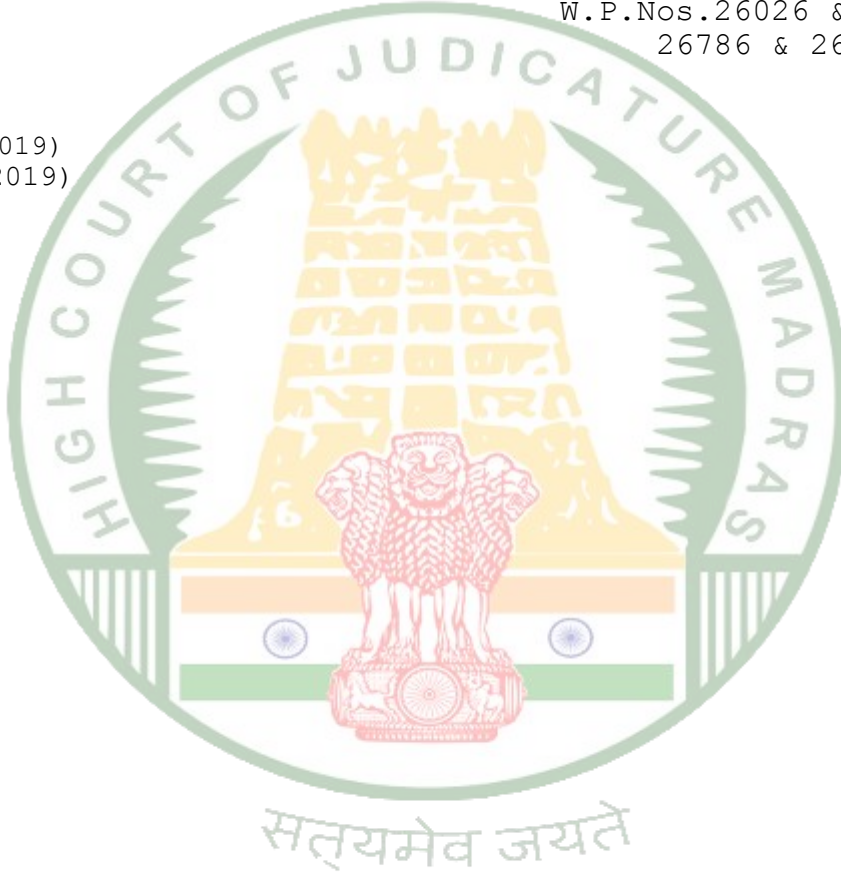
To

The District Collector,
Coimbatore.

+1cc to the Govt.Pleader, Vide Sr.No.69789

W.P.Nos.26026 & 26027 and
26786 & 26787 of 2007

Kak(01.10.2019)
Kak(30/10/2019)



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