

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.18029 of 2013
and M.P. No.1 of 2013

K.Kamarajar Combines
rep. by its Producer
R.Ravindrados

.. Petitioner

-vs-

1.The Chairman,
National Film Development Corporation Ltd.,
Discovery of India Building 7th Floor,
Nehru Centre, Dr.A.B.Road,
Worli, Mumbai 400 018.

2.The Deputy Manager (IFP),
National Film Development Corporation Ltd.,
Discovery of India Building 7th Floor,
Nehru Centre, Dr.A.B.Road,
Worli, Mumbai 400 018.

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to the order of the second respondent in his proceedings NFDC/IFP/2010/3108 dated 18.03.2010 and to quash the same and direct the respondents to produce the Kodi Kaatha Kumaran Tamil film under the heads of own production of the National Film Development Corporation.

For Petitioner:: Mr.R.G.Narendhiran

For Respondents:: Ms.K.N.Shanthi

ORDER

The writ petition has been filed challenging the proceedings NFDC/IFP/2010/3108 dated 18.03.2010 and seeking a direction to the respondents to produce the Tamil film 'Kodi Kaatha Kumaran' under the heads of own production of the National Film Development Corporation.

2.Learned counsel appearing for the petitioner would submit that the petitioner is a Patriotic and therefore, he was interested in depicting the history of the National Leaders through media and hence, he established a Proprietorship concern

in the name of National Leader K.Kamarajar Combines and decided to produce films depicting life history of the national leaders and freedom fighters. In this regard, learned counsel appearing for the petitioner would further submit that the petitioner has decided to produce his long dream project Tamil Film named 'Kodi Kaatha Kumaran' to depict the life history of the freedom fighter 'Tiruppur Kumaran' to the younger generations of the nation and thereby, promote patriotism among them. According to the learned counsel appearing for the petitioner, the said Kodi Kaatha Kumaran was not only a freedom fighter, but, gave his own life to the nation in the year 1932 at the age of 27. Learned counsel submitted that he was beaten to death by British police as he organised and conducted a silent procession at Tiruppur with a view to record the objection of the people against the arrest of the father of nation Mahathma Gandhi by British Government and he has participated and lead the procession. While the procession was going silently, suddenly the British Police ordered lathi charge in an unlawful way without any reason and Kumaran was attacked brutally. Due to the police attack, he became unconscious and fell down. Even as he was struggling for his life, he did not leave the flag to lay down to the land and succumbed to the injuries holding the flag without laying down to the land and the said incident reveals about his true patriotism. Realising Kodi Kaatha Kumaran's sacrifice, when Mahathma Gandhi came to Tamil Nadu, went to Tiruppur with a view to recognise Kumaran's role and paid tributes to Kumaran at his Tiruppur Kumaran house.

3.Learned counsel appearing for the petitioner would further submit that the entire episode as to how he has devoted his valuable life would show the cause of the freedom movement resolved to be projected to the people of India. As it is very much required in this era and many of the people forgotten the contribution made by several national leaders, after preparing the full script dealing with the real freedom life of Kumaran, the petitioner, approached the respondents Corporation and submitted an application on 12.04.2008 for producing the Tamil film titled 'Kodi Kaatha Kumaran' under National Film Development Corporation (hereinafter called as 'NFDC') in the banner of own production and also sent a script and estimated budget for the above said film. By letter dated 15.04.2009, the respondents Corporation directed the petitioner to submit the one line treatment and synopsis in English script for the above said film and the same was sent by the petitioner for the respondents' approval. Thereafter, the respondents Corporation also directed the petitioner to change the Director Mr.Nagan Pillai @ Prem for the purpose of directing the above said film for the reason that he has already produced various films. The respondents Corporation by letter dated 05.09.2008 informed the petitioner that under the rules and regulations of the respondents Corporation, for production of feature films under their own production scheme, they presently accept the proposals from First time Directors only. Since the proposed Director

Mr.Nagan Pillai alias Prem has already directed various films, the project cannot be accepted under their own production scheme. Therefore, the petitioner was directed to consider assigning the Directorial work of the film to a suitable First time Director so that they can consider the same under their own production scheme.

4.In this regard, Mr.R.Dhanuskodi Athithan, one former Union Minister for Sports and Youth Affairs addressed a letter dated 26.11.2008 to the Manager, NFDC, Mumbai requesting to approve the financial assistance to make the film a great success recommending the petitioner to produce the life story of Kodikatha Kumaran. On 06.04.2009, the NFDC informed the petitioner that they required three copies of the script in English for sending to Committee members outside the state of Tamil Nadu for their evaluation. Thereafter, by letter dated 31.12.2009, the Deputy Manager of IFP, NFDC returned seven copies of the script of the above film to the petitioner stating that the said script of the film has not been recommended by the script panel for own production. Finally, the petitioner, by letter dated 01.03.2010 clarified that the above said Kodi Katha Kumaran was not only a freedom fighter and he gave his own life and family to the welfare of the nation and he was a pious disciple of Gandhiji and he followed the satyagraha and ahimsa policy till the end of his life and at his age of 27, he was killed in a crucial manner and he sacrificed his life only for the freedom of the nation. Therefore, the petitioner once again highlighted that if the NFDC will not come forward to make the film titled 'Kodi Katha Kumaran', a real freedom fighter's history might not come to the light of the world and requested the respondents to consider the script to produce under the NFDC Banner with the scheme of 100% own production. On receipt of the same, the respondents, by four line order, without mentioning any reason, rejected the request of the petitioner by the impugned order dated 18.03.2010.

5.No counter affidavit has been filed by the respondents till date. It is seen that the impugned order is only a four line order and the same does not mention any single reason for rejection of the request of the petitioner. When the respondents by letter dated 05.09.2008 directed the petitioner to assign the Directorial work of the film to a suitable first time Director, they ought not to have rejected the request of the petitioner to grant proposal for own production of the film 'Kodi Kaatha Kumaran' (Tamil) which was placed before the In House Screening Committee of the Board of Directors, without even citing any good reason and without applying their mind. Many films has been made to commemorate the history of several freedom fighters viz., Mahatma Gandhi, Va.Vu.Chidambarampillai, Subash Chandra Bose, Veerapandiya Kattabomman, etc. Similarly, to remind the upcoming generation about the contribution made to the Nation by 'Kodi Katha Kumaran', if the request of the petitioner is

accepted, no prejudice would be caused. Therefore, this Court finds no impediment to set aside the same. Accordingly, the impugned order is set aside and the respondents are directed to consider the request of the petitioner to produce the Tamil film 'Kodi Kaatha Kumaran' as it is going to highlight the history of the freedom fighter, namely, Kodi Katha Kumaran, who was a follower of the Gandhiji's satyagraha and ahimsa policy till the end of his life and was killed in a crucial manner at his age of 27 and laid down his life for the freedom of our Nation. With the above observation, the writ petition stands allowed. Consequently, connected M.P. is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Chairman,
National Film Development Corporation Ltd.,
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2.The Deputy Manager (IFP),
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Discovery of India Building 7th Floor,
Nehru Centre, Dr.A.B.Road,
Worli, Mumbai 400 018.

+1cc to Mr.K.S.Natarajan , Advocate SR.No. 85000

+1cc to Mr.R.G.Narendhiran , Advocate SR.No. 84866

W.P. No.18029 of 2013
and M.P. No.1 of 2013

A.SK(02/12/2019)

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