

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 40063 of 2005
and
W.P.M.P. 42955 of 2005

M/s.Sri Rajarajeswari Theatre,
rep. by V.Swaroop Sundar,
S/o. Late R.Venkatasubramanian,
No.54, North Fort Street,
Vridhachalam,
Cuddalore District. Petitioner

Vs

1. The Addl. Commissioner for Land
Administration (Cinemas @ Irrigation),
Chennai-600 005.
2. The District Collector/Licensing
Authority,
Cuddalore District at
Cuddalore-1.
3. Mrs.Jayasree,
W/o. Muthu Venkatakrishnan,
G.1/8C/2, Murugan Benefit Compound,
Chettiarpettai,
Andipatty, Theni Dt.
4. Mrs.Sudha,
W/o. Jayabhaskar,
No.208, Gandhi Road,
Rajalakshmi Bhavan,
Palani, Dindigul Dt. Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari,
calling for the records pertaining to the impugned order made in
No.L.3/CA-63/2005, dated 06.12.2005 passed by the 1st respondent
and quash the same in so far as it relates to rejection of 'E'
permit.

For Petitioner : Mr.K.Premkumar

For Respondents : Mrs.K.Bhuvaneswari
Addl. Government Pleader
for R1 and R2

O R D E R

This Writ Petition has been filed challenging the impugned order of the 1st respondent and quash the same in so far as it relates to rejection of 'E' permit.

2. The case of the petitioner is that the petitioner's father viz., Venkatasubramanian was the Proprietor and 'C' form holder of Cinema Theatre called "Sri Rajarajeswari Theatre" at Vridhachalam Town, Cuddalore District when the petitioner's father was alive, and the petitioner is running a cinema theatre for several years without any blemish whatsoever. The 'C' form license was issued for the petitioner theatre expired on 30.11.2005. While so, the 'C' form license holder Mr.R.Venkatasubramaniam died on 25.01.2004 due to natural causes, leaving behind his six sons and two daughters. Though all the sons have agreed to transfer the 'C' form license in favour of the petitioner, however, two daughters are not agreeing for the said proposal and they have made objection before the 2nd respondent. Hence, the 2nd respondent has refused to transfer the 'C' form license in favour of the petitioner. Against which, the petitioner has preferred appeal before the 1st respondent and further, he has made a request to issue temporary 'E' form license in favour of the petitioner, but that was also rejected. However, 'C' form license is pending before the 1st respondent. As against the rejection of 'E' form license, the petitioner has filed the present Writ Petition.

3. Mr.K.Premkumar, learned counsel appearing for the petitioner would submit that during the pendency of the Writ Petition, the cinema theatre is closed. Hence, nothing survives for further adjudication in the Writ Petition. However, the liberty may be granted to pursue the appeal filed for 'C' form license pending before the 1st respondent.

4. The learned Addl. Government Pleader appearing for the State including the learned counsel appearing for the 4th respondent have conceded the request made by the learned counsel appearing for the petitioner.

5. In view of the above, nothing survives for further adjudication in the Writ Petition, this Writ Petition has become infructuous. Accordingly, the present Writ Petition stands dismissed as infructuous. However, the liberty is granted to the

petitioner to pursue the appeal remedy and make appropriate application for early disposal of 'C' form license. No costs. Consequently, the connected Writ Petition Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

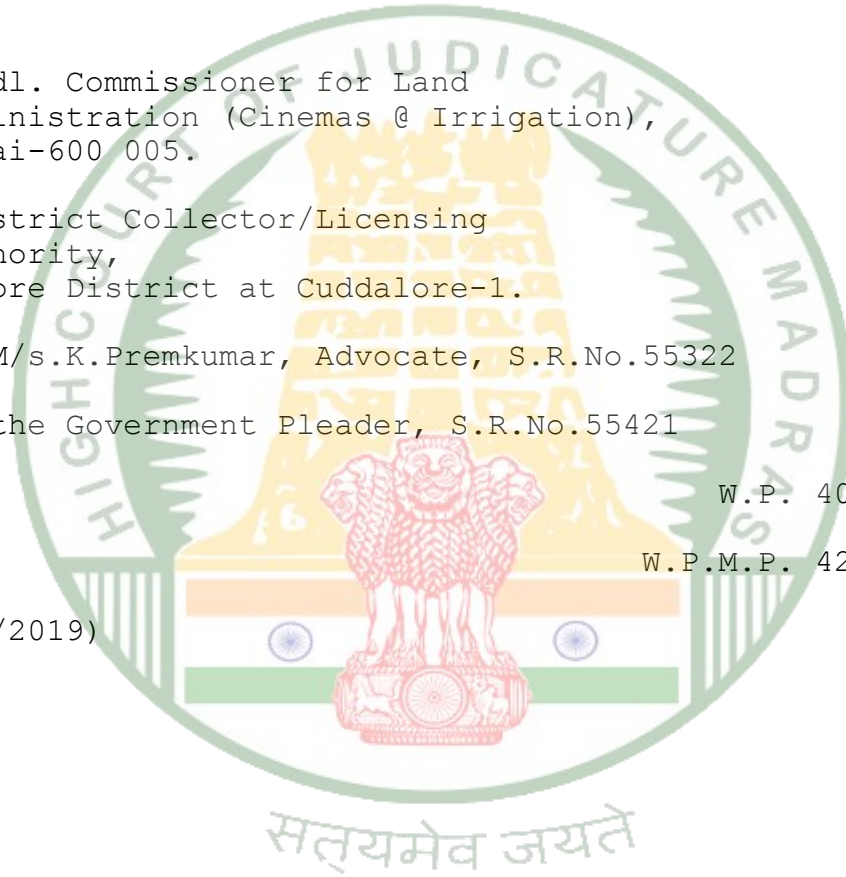
rpp

To

1. The Addl. Commissioner for Land
Administration (Cinemas @ Irrigation),
Chennai-600 005.
 2. The District Collector/Licensing
Authority,
Cuddalore District at Cuddalore-1.
- +1 cc to M/s.K.Premkumar, Advocate, S.R.No.55322
- +1 cc to the Government Pleader, S.R.No.55421

W.P. 40063 of 2005
and
W.P.M.P. 42955 of 2005

PPA (CO)
SSM(31/07/2019)



WEB COPY