

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9381 of 2019

M.Ganesan

.. Petitioner

-vs-

1. The District Collector
Tiruppur, Tiruppur District
2. The Sub Collector
O/o Sub Collector, Tiruppur
3. Diamond Theatre
rep by one of the Partner R.Rajendran
S/o Ramasamy Gounder
Door No.438/2, Mangalam Road, Tiruppur 641 604
4. N.Bharathkumar
5. Tmt.Thayammal
6. M.Balasubramaniam
7. M.Muthusamy

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to Form-E licence in Ref.No.13704/2018/C1 dated 28.02.2019 issued by the first respondent or any further renewal order, quash the same and consequently forbear the first respondent from issuing either C-Form or E-form temporary permit to the respondents 3 to 7 without complying the provisions of Tamil Nadu Cinemas (Regulation) Act 1957, payment of arrears of rent & profit.

For Petitioner :: Mr.R.Dhanaram

For Respondents:: Mr.K.Ravikumar

Additional Government Pleader
for R1 & 2

ORDER

This writ petition has been wrongly filed by the petitioner against the third respondent. The affidavit filed in support of the writ petition also admits that the petitioner is having only 15% share in the business. That very statement itself shows that the third respondent and other partners are having major share

viz., 85% of shares. While so, when the third respondent has already been given the benefit of renewal of 'C' form licence by the District Collector, Tiruppur, he cannot question the same by way of filing the present writ petition to quash the Form-C issued by the District Collector, Tiruppur.

2. Learned counsel for the petitioner also stated that the petitioner has given a complaint against the partners of Diamond Theatre to the Commissioner of Police, Tiruppur on 1.2.2018 alleging that the third respondent and some of the erstwhile partners colluding together with the mortgagee created document as if the petitioner has retired from the partnership firm. In this regard, he has also petitioned the first respondent against the partners of Diamond Theatre. On receipt of the petition, the District Collector, Tiruppur also forwarded the same on 31.5.2018 to the Sub Collector, Tiruppur, the second respondent herein to conduct an enquiry. In the meanwhile, the third respondent filed an application on 18.7.2018 to the first respondent seeking renewal of Form-C licence without getting no objection certificate from the petitioner or his signature in the application. Although the Sub Collector, Tiruppur has issued a notice on 31.7.2018 to the petitioner to appear before him on 7.8.2018 at 4.00 PM in his office, when the petitioner appeared and produced some documents, the enquiry has not come to an end. Subsequently, he has also filed an application on 23.10.2018 seeking information relating to the Diamond Theatre from the Public Information Officer, Tiruppur, who also furnished the copy of documents on 21.1.2019 to the petitioner relating to the application filed by the third respondent for renewal of Form-C licence. Therefore, he has come to this Court.

3. As admitted by the petitioner, on the complaint given by the petitioner, when the District Collector, Tiruppur, the first respondent herein has forwarded the same to the Sub Collector, Tiruppur, the second respondent herein and the enquiry is pending, hence, it is not open to the petitioner to come to this Court. Therefore, finding no merits whatsoever, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.Nos.9952, 9957 & 9961 of 2019 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Tiruppur, Tiruppur District
2. The Sub Collector
Office of the Sub Collector
Tiruppur

+lcc to Mr.G.Ethirajulu, Advocate, S.R.No.30874
+lcc to the Government Pleader, S.R.No.31610

W.P.No.9381 of 2019

KAN(CO)
CS/27/04/2019



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