

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2019

Coram:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.18613 of 2019
and
W.M.P.Nos.17942,17944 and 21006 of 2019

R.Perumal

.. Petitioner

/versus/

1.Chief Secretary cum Appellate Authority,
Under the Pondicherry Cinemas Regulation Act, 1964,
Government of Puducherry.

2.Government of Puducherry,
Office of the District Magistrate,
Puducherry.

3.P.Apparsamy

4.K.Ramesh

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue to a Writ of Certiorari to call for the records of the 1st respondent 13.06.2019 in Appeal Petition No.1/2019 and quash the same.

For Petitioner :Mr.Masilamani, Sr.C for

Mr.J.Ravindran

For Respondents :Mr.C.K.Ramesh, AGP (P)
for R1 and R2

Mr.M.Rajasekar for R3

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O R D E R

The prayer in the writ petition is to issue to a Writ of Certiorari to call for the records of the 1st respondent dated 13.06.2019 in Appeal Petition No.1/2019 and quash the same.

2.Heard Mr.M.Masilamani, learned Senior Counsel appearing for the petitioner and Mr.C.K.Ramesh, learned

Additional Government Pleader (P) appearing for the respondents 1 and 2 and Mr.M.Rajasekar learned counsel appearing for the third respondent.

3. The bone of contention in the writ petition is that "Balaji Theatres" at Puducherry is run by a Partnership Firm consisting of the writ petitioner and respondents 3 and 4. Form "C" licence of the Theatre came to be expired on 17.11.2018. When an application for renewal was submitted to the first respondent, the same was rejected and hence, the petitioner has approached this Court, on an earlier round of writ petition in W.P.No.33282 of 2018 and got direction from this Court to direct the Appellate Authority to consider the application of the renewal and pass an order in accordance with merits. Accordingly, the Appellate Authority has passed an order on 13.06.2019 rejecting the request for renewal stating, on the ground that, "out of three partners, only one person has given the application for renewal claiming himself as owner and it appears that the partnership firm has broken. In such circumstances, the renewal of "C" Form licence cannot be entertained and the parties are advised to settle their dispute mutually or in the Court of Law first and then approach the Licensing Authority for renewal along with a mutual agreement or Court order settling as to who has/have right/claim to run the theatre".

4. Though notice was sent to the other two partners viz., respondents 3 and 4, only the third respondent appeared before this Court through his counsel and the fourth respondent remain absent. In such circumstances, this Court is of the opinion that when the first respondent has rejected the request for renewal solely on the ground that the other two partners have not consented for renewal of licence and the licence being in the name of the partnership firm, without consent of the other two partners, he is unable to issue renewal of licence. Now one of the partner (3rd respondent) is before this Court and he has agreed for renewal of licence. Provided day to day accounts is given to him by the petitioner, the other partner has not chosen to appear before this Court, despite notice.

5. In the light of the above facts, the Licensing Authority, who is the second respondent shall consider the application submitted by the petitioner herein for renewal of licence and pass orders, within a period of seven days from today, without insisting upon consent of the other two partners. This direction is issued on the undertaking given by the petitioner that he will render the day to day accounts to the 3rd respondent.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

1.The Chief Secretary cum Appellate Authority,
Under the Pondicherry Cinemas Regulation Act, 1964,
Government of Puducherry.

2.The District Magistrate,
Government of Puducherry,
Office of the District Magistrate,
Puducherry.

+1cc to Mr.M.Rajasekar, Advocate SR.No.63123

+1cc to Mr.A.Devnarendran, Advocate SR.No.63489

+1cc to Government Pleader, Puducherry, High court, Madras
SR.No.63448

W.P.No.18613 of 2019

BR(CO)
GMY(25/07/2019)

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