

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.01.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.33378 of 2018

M.Shanmugaraj @ M.S.Raj

..Petitioner

vs

1. Union of India,
Rep. by Secretary to the Government,
Ministry of Information and Broadcasting,
Room No. 552.A, Wing Shastri Bhavan,
New Delhi - 110 001.

2. The Regional Officer,
Central Board of Film Certification,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to issue Censor Certificate for the petitioner's documentary film "Marina Puratchi" within stipulated time, enabling the petitioner to release the film for pongal festival.

For Petitioner : Mr.T.Jayaramaraj

For Respondents : Mr.J.Madana gopal Rao
Senior Central Government
Standing counsel (SCGSC)

O R D E R
सत्यमेव जयते

The relief sought for in the present writ petition is for a direction to direct the 2nd respondent to issue Censor Certificate for the petitioner's documentary film "Marina Puratchi" within stipulated time, enabling the petitioner to release the film for pongal festival.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is the Director Cum Producer of documentary Film called "Marina Puratchi". The documentary film is ready for theatrical release prior to the forthcoming Pongal Festival. However, the respondents have not issued any certification for the purpose of release of the documentary film. The film relates to the Tamil Culture and

Tradition of Jallikattu in the State of Tamil Nadu. The authorities competent raised certain objections under Section 23 of the Cinematograph (Certification) Rules, 1983 and under these circumstances, the petitioner is constrained to move the present writ petition.

3. The learned senior Central Government Standing counsel appearing on behalf of the respondents state that the authorities competent referred the matter to the Revising Committee under Rule 24(1) of the Cinematograph (Certification) Rules 1983. Now, the Revising Committee has go into the allegations and the objections and take a decision in accordance with law. In this regard, the petitioner has to appear before the Revising Committee, explaining their stand, enabling the authorities to consider the facts and circumstances. Thus, the petitioner is bound to approach the Revising Committee for the purpose of redressing his grievances in the manner prescribed under law.

4. This Court is of an opinion that the Film Certification Board is a responsible authority, constituted under the Statute for the purpose of scrutinizing the Film, documentary or otherwise and issue Certification, to ensure that the films produced and picturized are in accordance with the provisions of law and to ensure that the same will not cause any law and order problem or otherwise in the public at large. In this regard, if any objection is raised by the competent authorities, the producers, the directors or concerned persons, are bound to appear before the Revising Committee and explain their stand and convince the authorities for the purpose of grant of Certification. Contrarily, they cannot rush to the Court by filing a writ petition. The statute provides a remedy for the producers of the documentary film or feature film. Thus, they are bound to approach the Revising Committee and if the Revising Committee has not yet considered the matter, and even thereafter, the law provides a Second Revising Committee under Rule 24(12) of the Cinematograph (Certification) Rules, 1983. Thereafter, Section 5-C provides an appeal to the Tribunal. Thus, exhausting the remedy provided under the Act is also an important factor. At the first instance, the petitioner has to exhaust the remedy available under the Act and allow the authorities to verify the nature of the documentary film and its contents and picturization. All such aspects are to be verified by the authorities competent as well as by the Appellate authorities and accordingly, the grievances of the petitioner shall be redressed by exhausting the remedies provided under the Statute. The present writ petition cannot be entertained as the institutions are created under the Statute for the purpose of adjudicating the issues by producing the original documents and by adducing evidences. Such a valuable opportunity is to be utilized by the persons concerned. In the present writ petition,

the writ petition is filed directly without even availing the opportunity available to the writ petitioner to explain his case before the Revising Committee and the Second Revising Committee.

5. Under these circumstances, the following orders are passed:

(i) The relief as such sought for in the present writ petition stands rejected.

(ii) The writ petitioner is directed to approach the Revising Committee within two days from the date of receipt of a copy of this order by submitting his objections, explanations, documents or evidences, if any. On receipt of such application, the Revising Committee competent shall adjudicate the same on merits and by affording an opportunity to the writ petitioner and decide the matter on merits and in accordance with law within a period of seven days thereafter.

6. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Ministry of Information and Broadcasting,
Room No. 552.A, Wing Shastri Bhavan,
New Delhi - 110 001.
2. The Regional Officer,
Central Board of Film Certification,
Shastri Bhavan,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to Mr.T.Jayaramaraj, Advocate, S.R.No.1224
+1cc to Mr.J.Madanagopal Rao, Advocate, S.R.No.1504

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JP(CO)

rrs 08/01/2019