

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.01.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33282 of 2018

and

WMP.Nos. 38630, 38635 & 38638 of 2018

WMP.No.2041 of 2019

Balaji Theatre

Rep. by its Partner Mr.Perumal,
118, Kamaraj Salai,
Puducherry-605 011.

... Petitioner

Versus

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

2. Balaji Theatre
Rep. by its Partner Mr.Apparsamy,
Kamaraj Salai,
Puducherry.

... Respondents

(R2 impleaded vide order in WMP.No.2041 of 2019
dated 23.01.2019.)

Prayer : Writ petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus calling for the records on the file of the Respondent
in No.13457/DM/D1/2018 dated 17.11.2018 and quash the same and
direct the Respondents to issue Form C license to the petitioner
firm to run Balaji Theatres.

For Petitioner :M/s.J.Ravindran

For Respondent :Mrs.G.DJerany

Government Advocate for R1 (Pondicherry)
Mr.M.Rajasekhar for R2

O R D E R

The order passed by the District Magistrate, Government of
Puducherry in proceeding dated 17.11.2018 passed an order,
invoking the powers conferred under Section 5(1)A of the

Puducherry Cinemas (Regulations) Act, 1964 and directed the writ petitioner to complete the application in full shape in Form C, signed by all the three licensees and in the event of not submitting the proper application in the prescribed format, the renewal of license in Form C would not be considered. Challenging the said order dated 17.11.2018 the present writ petition is filed.

2. The impleaded respondent is also states that he is also one of the joint licensee and on account of certain disputes, Civil suits are also pending for the relief of dissolution of partnership firm. Therefore, the relief sought for in the present writ petition cannot be granted.

3. In other words, the impleaded respondent is raising an objection for grant of renewal of license in Form C. However, the learned counsel for the writ petitioner filed a rejoinder by stating that the petitioner is willing to prefer an appeal before the Appellate Authority under Section 5 (5) of the Puducherry Cinemas Regulations Act 1964. In view of the rejoinder filed by the writ petitioner, a liberty is granted to prefer an appeal under the provisions of the Puducherry Cinemas Regulations Act and the writ petitioner shall file the appeal in the prescribed the format and as per the procedures contemplated.

4. The learned counsel for the petitioner states that till the appeal is decided, an interim order is to be granted in the present writ petition. This Court is of the considered opinion that, the Statutory appeals are provided in order to redress the grievances of the aggrieved persons. The Appellate Authorities are exercising the Quasi Judicial powers, and they are empowered to adjudicate the issues both factual as well as the legal grounds. The Constitutional Courts need not invade into the powers conferred on such Appellate Authority in a routine manner. The power of the Appellate Authorities includes the power of granting interim orders considering the facts and circumstances of the case. Thus, such powers conferred need not be usurped unnecessarily and in the event of granting any interim order in the present writ petition which is finally disposed of now, if the same case unnecessary delay or confusion in deciding the appeal freely and fairly by the Appellate Authorities under the provisions of the Statute. Thus, such a request made by the learned counsel for the writ petitioner deserves no merits consideration.

5. It is made clear that the Appellate Authority while adjudicating the appeal shall provide opportunity to all the parties concerned including the impleaded respondent in the present writ petition. The appeal if any filed shall be dealt with merits in accordance with law and orders may be passed without causing any undue delay.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pkn/kmm

To

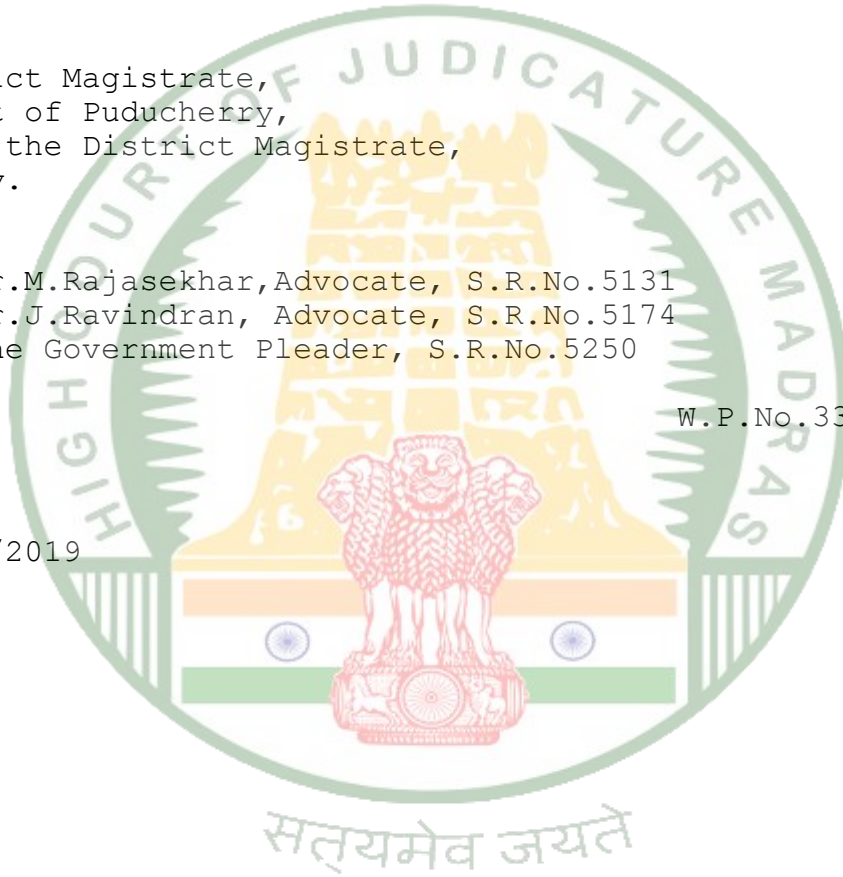
The District Magistrate,
Government of Puducherry,
Office of the District Magistrate,
Puducherry.

+1cc to Mr.M.Rajasekhar, Advocate, S.R.No.5131
+1cc to Mr.J.Ravindran, Advocate, S.R.No.5174
+1cc to the Government Pleader, S.R.No.5250

W.P.No.33282 of 2018

CA(CO)

rrs 20/03/2019



WEB COPY