

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.17469 of 2019 (O&M)
Date of decision:-19.07.2019

Rakesh Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vishmeet Singh, Advocate for
Mr. P.S. Khurana, Advocate for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab

Mr. C.M. Munjal, Advocate
for applicant in CM-10111-CWP-2019

TEJINDER SINGH DHINDSA, J.(ORAL)

A response by way of a short affidavit dated 14.07.2019 of under Secretary to Government of Punjab, Department of Home Affairs & Justice, Chandigarh on behalf of respondents No.1 and 2 has been filed in Court today, the same is taken on record. Copy has been furnished to counsel opposite.

Challenge in the instant petition is to the order dated 12.06.2019 (Annexure P-4) passed by the State Government and in pursuance to which the licence issued by the District Magistrate, Fazilka dated 13.11.2018 to J.P. Cinema, Jalalabad, being run by the petitioner has been suspended.

The petition had come for preliminary hearing before this Court on 02.07.2019 and a two fold submission raised by the counsel for the petitioner had been noticed:-

(i) It had been argued that prior to passing of the impugned order no notice had been served upon the petitioner and even a hearing was not afforded.

(ii) It was contended that under the provisions of the Punjab Cinema (Regulations) Act 1952 and the rules framed thereunder there was no provision of an appeal that could have been availed of by the so-called complainant namely Vikasdeep and which had been entertained and the impugned order passed.

In the response that has been filed in Court today it stands conceded that prior to passing of the impugned order dated 12.06.2019 at Annexure P-4, the licensee/petitioner had not been heard. A prayer has been made in the affidavit itself that respondent No.2 i.e.the Additional Chief Secretary Home, Government of Punjab, be given six weeks time so as to afford an effective opportunity of hearing to the petitioner/licensee and to pass an order afresh.

The prayer made in the affidavit is found to be just and reasonable.

In view of the above the impugned order dated 12.06.2019 at Annexure P-4 is set aside.

The matter is remanded back to respondent No.2 for taking a decision afresh as regards suspension of licence dated 13.11.2018 that had been issued in favour of the petitioner/licensee under the name of J.P. Cinema, Jalalabad. A fresh order be passed within a period of 8 weeks from today. Liberty is granted to the petitioner to submit written submissions alongwith supporting documents if any within a period of one week. Prior to passing of the final order an opportunity of personal

hearing would also be afforded to the petitioner.

It is however clarified that by virtue of setting aside of the impugned order dated 12.06.2019 (Annexure P-4), the operation of the Cinema Hall in question would continue to remain suspended and would be subject to the outcome of the final order that has now been directed to be passed.

Writ petition is disposed of.

Pending applications, if any would also stand disposed of.

It is clarified that this Court has not examined the issue on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

19.07.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No