

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.1039 & 3216 of 2019

and

C.M.P.Nos.365 and 366 of 2020 in W.A.No.1039 of 2019

and

C.M.P.Nos.20338 of 2019 in W.A.No.3216 of 2019

W.A.No.1039 of 2019

A.Chandrasekaran,
No.9, Krishnar Koil Street,
Alwarthiru Nagar,
Valasaravakkam, Chennai 600 089.Appellant/Petitioner

Vs

1.The District Collector,
Collectorate, Salem.

2.The Electrical Inspector,
26-J, Sangeeth Theatre Complex,
Pulikuthi 4th Street, Kugai, Salem.

3.The Chairman, TANGEDCO,
144, N.P.K.R.R.Maligai,
Mount Road, Chennai 600 002.

4.M/s.Aascar Films (P) Ltd.,
Rep. by its Managing Director,
Mr.V.Ravichandran,
No.9, 10th Avenue, Ashok Nagar,
Chennai 600 083.

...Respondents

PRAYER : Appeal against the order passed on 13.03.2019 in W.P.No.6206 of 2019 on the file of this Court.

This Writ Petition filed under Article 226 of the Constitution of India to praying for the issue of a Writ of Mandamus, directing the 1st and 2nd respondents not to issue the duplicate Electrical Inspector Certificate (E Book) to the 4th Respondent for the theaters Secree-1, Secree-2, and Scree-3 situated in Erumapalayam Village, salem Taluk and District without giving a personal hearing to the petitioner(WP No.6206 of 2019).

For Appellant : Mr.S.Hameed Ismail
For Respondents : Mr.J.Pothiraj (for R1 & R2)
Special Government Pleader
Mr.S.K.Raameshuwar (for R3)
Mr.R.Singgaravelan (for R4)
Senior counsel
for Mr.M.Narayanasamy

W.A.No.3216 of 2019

A.Chandrasekaran,
No.9, Krishnar Koil Street,
Alwarthiru Nagar,
Valasaravakkam, Chennai 600 089. ...Appellant/3rd Respondent

Vs

1.M/s.AAascar Entertainment (P) Ltd.,
Rep. by its Managing Director, Mr.V.Ravichandran,
No.9, 10th Avenue, Ashok Nagar,
Chennai 600 083.1st Respondent/Petitioner

2.The Secretary and Commissioner,
Land Administration,
Chepauk, Chennai.

3.The District Collector,
Collectorate, Salem.

4.The Authorized Officer,
Indian Overseas Bank,
Cathedral Branch,
No.763, Anna Salai, Chennai.

...Respondents/
Respondents 1, 2 & 4

PRAYER : Appeal against the order dated 18.02.2019 made in
W.M.P.No.1417 of 2019 in W.P.No.1262 of 2019 on the file of this
Court.

WP No.1262 of 2019

Calling for records leading to pass the impugned common order of
the 1st Respondent dated 10/01/2019 in proceeding No.L1/454/2019
confirming the order of the 2nd respondent dated 07/01/2019
passed in Na.Ka.No.420/2019/C2 (Screen -1), Na.Ka.No.422/2019/C2
(Screen -2) and Na.Ka.No.423/2019/C2 (Screen -3) and set aside
the same and consequently direct the 2nd respondent to renew the
C form license granted to the petitioner in respect of Scree -1,

Scree -2 and Screen -3 situated in Erumapalayam Village, Salem Taluk and District. within the time frame fixed by this Honourable Court.

For Appellant : Mr.S.Hameed Ismail

For Respondents : Mr.N.Singgaravelan (for R1)
Senior Counsel
for Mr.M.Narayanasamy
Mr.J.Pothiraj (for R2 & R3)
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

W.A.No.1039 of 2019 has been preferred against the order passed in W.P.6206 of 2019 seeking direction to the 1st and 2nd respondents not to issue duplicate Electrical Inspector Certificate to M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) for their theaters Screen-1, Screen-2 and Screen-3 situated in Erumapalayam village, Salem Taluk and District, without giving personal hearing to the appellant herein.

2.W.A.No.3216 of 2019 has been filed by the appellant herein against the interim order dated 18.02.2019 passed in W.M.P.No.1417 of 2019 in W.P.No.1262 of 2019, granting temporary 'E' permit to the fourth respondent in respect of Screen-1, Screen-2 and Screen-3.

3.The facts of the case are as follows:

(a).The appellant states that he is the authorized person on behalf of M/s.Aascar Entertainment Limited, 4th respondent herein to run the theaters and appear before all the authorities concerned. In pursuant to the said authorization, the appellant spent a sum of Rs.5 crores for renovation of the theaters and for obtaining the license for running the theaters.

(b).The appellant would submit that pursuant to the authorization M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) handed over all the original documents viz., license, building stability certificate, original plan approval for the building, original insurance certificate and electricity original "E" book for all the three screens with the appellant towards the security for the amount invested by the appellant. Based on the assurance that M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) would transfer the license for the theaters in the name of the appellant, the

amount was spent after obtaining the aforesaid documents as security. Therefore, he would submit that there was a implied contract between the appellant and M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) with regard to the transfer of licenses in favour of the appellant. The appellant had already given a letter on 29.11.2018 to the 1st respondent viz., District Collector, Salem and also to the Superintendent Engineer, PWD and also the Electricity department informing the fact that the appellant is in possession of all the original documents and certificates pertaining to the theaters owned by M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019).

(c).While things stand so, when the appellant along with one K.Chidambaram was running the theaters, the 4th respondent with ulterior motive forcibly entered into the property. As the "C" form license was valid only till 07.01.2019, the appellant gave a letter to the District Collector on 19.01.2019, informing that all the original certificates which are mandatory for renewing the "C" form license are in his possession and requested the District Collector not to give renewal in favour of the 4th respondent.

(d).As soon as the 4th respondent forcibly entered into the theaters, the appellant filed a suit in O.S.No.100 of 2018 on the file of the II Additional District Court, Salem praying for Declaration that the 4th respondent herein has no right to operate the multiplex theaters at the suit schedule property under the license granted for exhibition of Cinema; Direction to assign the license right to the appellant and for Permanent Injunction. In the said suit, an order of injunction was granted and thereafter made absolute which was challenged by the 4th respondent in C.M.A.No.961 of 2018. The said CMA was allowed against which the appellant filed SLP and the same is pending before the Hon'ble Supreme Court. The application filed by the 4th respondent for renewal of "C" form license was rejected by the District Collector, Salem by order dated 07.01.2019. The said order of rejection was challenged before the 2nd respondent in W.P.No.3216 of 2019 viz., The Secretary and Commissioner, Land Administration, Chepauk, Chennai and the same was dismissed on 10.01.2019 holding that the mandatory documents as per Rule 92 (1) and 97 of Tamil Nadu Cinema (Regulation) Rules, 1957 for renewal of "C" form license have not been produced. The said order was challenged by the 4th respondent in W.P.No.1262 of 2019. In the said Writ Petition, E permit was granted in favour of the 4th respondent. The said order has been challenged by the appellant in W.A.No.3216 of 2019.

(e).Without making appellant as a party, on 20.02.2019 the 4th respondent filed a Writ Petition in W.P.No.5953 of 2019 seeking Writ of Mandamus directing the 2nd respondent therein viz. The Chief Electrical Inspector, Salem to issue duplicate Electrical Inspector's Certificate (Booklets) Nos.45, 46 & 47 dated 16.02.2018 valid for the period from 16.02.2018 to 15.02.2021 to the petitioner in respect of the theaters.

(f).While so, the appellant filed a writ petition in W.P.No.6206 of 2019 making M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) as a party praying for Writ of Mandamus directing the 1st and 2nd respondents therein viz., The District Collector, Salem and the Electrical Inspector, Salem not to issue the duplicate Electrical Inspector's Certificate ("E"Book) to the 4th respondent therein viz., M/s.Aascar Films (P) Ltd., for the theaters Screen-1, Screen-2 and Screen-3 situated in Erumapalayam village, Salem Taluk and District, without giving personal hearing to the appellant herein.

(g).Both the Writ Petitions were taken up for hearing and the Writ Petition filed by the Appellant viz., W.P.No.6206 of 2019 was dismissed and Writ Petition filed by the 4th respondent viz., W.P.No.5953 of 2019 was allowed by a common order dated 13.03.2019. The said order of dismissal of W.P.No.6206 of 2019 filed by the appellant is challenged in Writ Appeal No.1039 of 2019.

(h).As already pointed out W.P.No.1262 of 2019 has been filed by the 4th respondent viz., M/s.Aascar Films (P) Ltd., challenging the order of the 2nd respondent in W.P.No.1262 of 2019 viz., District Collector, Salem dated 07.01.2019 rejecting the application of the 4th respondent for renewal of "C" form license, as confirmed by the 1st respondent in W.P.No.1262 of 2019 by order dated 10.01.2019. In the said Writ Petition, an interim order has been passed by the learned single Judge in W.M.P.No.1417 of 2019 in W.P.No.1262 of 2019 by an order dated 18.02.2019 directing the issuance of "E" Permit to the 4th respondent in respect of Screen-1, Screen-2 and Screen-3 of the theaters in question. The said order has been challenged before this Court in W.A.No.3216 of 2019.

(i).Since the Hon'ble Chief Justice directed both the Writ Appeals to be heard by this Court, both the matters are heard together.

4.Heard Mr.Hameed Ismail, learned counsel for the appellant in both the appeals. Mr.R.Singgaravelan, learned senior counsel for M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019 and 1st respondent in W.A.No.3216 of 2019). Mr.J.Pothiraj,

learned Special Government Pleader on behalf of the State Government and Mr.K.Raameshuwar, learned standing counsel on behalf of TNEB.

5.It is contended by the appellant that when the District Collector, Salem had rejected the application for renewal of "C" form license by M/s.Aascar Films (P) Ltd., on the ground of pendency of proceedings under SARFAESI Act as against the said property and when the appellate authority viz., The Secretary and Commissioner, Land Administration, Chepauk, Chennai had dismissed the application for non-production of mandatory document required under Rule 92 (1) and 97 of Tamil Nadu Cinema (Regulation) Rules, 1957, the Court should not have directed the authorities to issue duplicate Electrical Inspector's Certificate, especially when the appellant is in possession of the original Electrical Inspector's Certificate handed over by the 4th respondent as security for the investment made by the appellant and for running the said theaters. Mr.Hameed Ismail, learned counsel would point that there cannot be an original as well as duplicate certificate in existence at the same time. It is also submitted that when W.A.No.3216 of 2019 filed by the appellant is pending before this Court as against the interim order passed in W.M.P.1417 of 2019 in W.P.No.1262 of 2019 filed by the 4th respondent, a new District Collector who took charge of the administration of Salem District passed an order on 19.08.2019 granting "C" form license in favour of M/s.Aascar Entertainment Private Ltd., which is erroneous.

6.Further, the learned counsel appearing on behalf of the appellant would contend that the learned single Judge has not given any reason to dismiss the Writ Petition filed by the appellant based on the findings given in the civil proceeding in C.M.A.No.961 of 2018 dated 05.10.2018 holding that the caretaker of the property has no legal right to seek injunction against the owner, especially when the matter is pending before the Hon'ble Supreme Court in SLP.(Civil).No.013168/2019. Further, the order of the learned single Judge directing the Chief Electrical Inspector to issue duplicate Electrical Inspector's Certificate under Rule 44(2) of Tamil Nadu Cinema (Regulation) Rules, 1957 should not have been passed, especially when M/s.Aascar Films (P) Ltd., had already deposited the said original Chief Electrical Inspector's Certificate with the appellant and it is very much available with the appellant. The question of issuance of duplicate certificate itself would not arise when the original is available. Hence, the learned counsel for the appellant seeks for allowing of the appeals.

7.Furthermore, as per the order of this Court dated 11.04.2019 an enquiry was conducted by the Electrical Inspector. Based on the Electrical Inspector's report, it was held that the

original Electrical Inspector's certificate is in possession of Mr.A.Chandrasekaran and therefore, the duplicate certificate needs to be cancelled and necessary orders have to be passed in this regard. When such is the position, subsequently, another Division Bench by an order dated 12.07.2019 made in C.M.P.No.7762 of 2019 in W.A.No.1039 of 2019 directed the appellant and 4th respondent viz., M/s.Aascar Films (P) Ltd., to appear before the District Collector, Salem along with all the original documents and to raise all their contention before the District Collector and lead evidence in support of their claim and the District Collector is directed to pass a detailed and speaking order. However, it was held that the order need not be given effect without leave of this Court. Based on the said order, the District Collector passed an order on 19.08.2019 issuing "C" form license in favour of the 4th respondent viz., M/s.Aascar Films (P) Ltd. According to the learned counsel, the said order is contrary to the fact and therefore, the same needs to be set aside.

8.Mr.Hameed Ismail would further contend that as per the regulation, only those persons who have been issued with "C" form license alone has to run the theater whereas in the tickets of the subject matter theaters issued as on date, the name of "Kumaran Pictures" is printed which is in violation of the rules and therefore, even on the said ground the license has to be cancelled.

9.Mr.J.Pothiraj, learned Special Government Pleader would submit that as the appellant has not appeared before the authorities for producing the original documents, the District Collector passed order on 19.08.2019 in pursuant to the order of this Court and therefore, he seeks for dismissal of the Writ Appeals.

10.Mr.R.Singgaravelan, learned counsel appearing on behalf of M/s.Aascar Films (P) Ltd., would submit that the appellant has got no right to file the Writ Petition itself, as he is a third party to the theater as well as to the license. He was only an employee. He was entrusted with the work of renovation and for appearing before the authorities for renewal of licenses. When things stand so, the appellant with malafide motive filed O.S.No.100 of 2018 and obtained order of injunction which was reversed by this Court in C.M.A.No.961 of 2018 wherein it was categorically held that the care taker of the property has got no right and he cannot maintain a suit against the owner of the property. Having filed the suit but without waiting for the result, the appellant filed Writ Petition which was rightly dismissed by learned single Judge. He would further point out that the Writ Petition in W.P.No.5953 of 2019 filed by M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of

2019) was rightly allowed by the learned single Judge directing the 2nd respondent therein to issue duplicate Electrical Inspector's Certificate and therefore, there cannot be any grievance against the order of the learned single Judge.

11.The learned senior counsel would strenuously contend that when a common judgment has been passed in two Writ Petitions viz., W.P.No.5953 of 2019 filed by M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) which was allowed and W.P.No.6206 of 2019 filed by the appellant which was dismissed, a single Writ Appeal challenging the order passed in W.P.6206 of 2019 alone is not maintainable in view of the resjudicata.

12.He relied upon the following judgments in support of his contentions:

(i) Lonankutty v. Thomman and another reported in (1976) 3 SCC 528.

(ii) Narayana Prabhu Venkateswara Prabhu v. Narayana Prabhu Krishna Prabhu reported in (1977) 2 SCC 181.

(iii) Premier Tyres Ltd. v. Kerala State Road Transport Corporation reported in 1993 Supp (2) SCC 146.

(iv) Ram Prakash v. Charan Kaur (SMT) and another reported in (1997) 9 SCC 543.

(v) Banarsi and others v. Ram Phal reported in (2003) 9 SCC 606.

(vi) Sri Gangai Vinayagar Temple and another v. Meenakshi Ammal and others reported in (2015) 3 SCC 624.

(vii) S.Rajeswari v. Perumal and another in S.A.No.848 of 2016 dated 13.07.2018.

In the absence of the challenge to the order passed in W.P.No.5953 of 2019, the present Writ Appeal, challenging order of allowing W.P.No.6206 of 2009, is not maintainable.

13.The learned senior counsel would further contend that the facts involved in this case would demonstrate that disputed facts are involved and therefore, Article 226 of Constitution of India cannot be invoked. In this regard, he would rely upon the judgment of the Hon'ble Supreme Court in the case of State of Rajasthan Vs. Bhawani Singh and others reported in 1993 Supp (1) Supreme Court cases 306 and Maharashtra State Board of Secondary and Higher Secondary Education Vs. K.S.Gandhi and others reported in (1991) 2 Supreme Court Cases 716.

14.The learned senior counsel would further contend that based on the direction given by this Court, the District Collector conducted an enquiry and was convinced that the appellant is not connected with the property and all the documents are in favour of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) and therefore, rejected the

claim of the appellant and granted "C" form license in favour of the 4th respondent.

15.The learned Senior Counsel would further submit that W.A.3216 of 2019 has become infructuous as it was filed only against the order dated 18.02.2019 made in W.M.P.No.1417 of 2019 in W.P.No.1262 of 2019 and when the Writ Petition in W.P.1262 of 2019 itself has been allowed by the learned single Judge of this Court, subsequently on 23.07.2019 quashing the earlier order passed by the District Collector, Salem on 07.01.2019, as confirmed by the appellate authority viz., The Secretary and Commissioner, Land Administration, Chepauk, Chennai by its order dated 10.01.2019. The original order passed by the District Collector on 07.01.2019 would give reason for rejection of renewal of "C" form license in favour of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) stating that the Bank which granted loan to the 4th respondent initiated SARFAESI proceedings for non payment of dues and took symbolic possession of the property. Meanwhile, a Company Petition has been filed in C.P.No.1183/1B/2018 before the National Company Law Tribunal and by an order dated 18.09.2019, moratorium has been declared and therefore, no proceedings can be initiated against the 4th respondent. Hence, he seeks for dismissal of the Writ Appeal.

16.The renewal of "C" form license as well as issuance of duplicate Electrical Inspector's Certificate to the 4th respondent is made as per Rule 44(2) of Tamil Nadu Cinemas (Regulation) Rules, 1957.

17.The facts of the case would reveal that the appellant claims that he is the authorized person to run the cinema theaters and get renewal of "C" form license as he has been handed over the original documents of the theater complex viz., license, building stability certificate, original plan approval for the building, original insurance certificate and electricity original "E" book as security for the amount invested by the appellant to the tune of Rs.5 crore for repairing and restoring the theaters based on the assurance given to the appellant by the 4th respondent and therefore, there is an implied contract between the appellant and the 4th respondent to run the theater and without repaying the said amount, the 4th respondent is not entitled to get back the documents for renewal of the license. Since the 4th respondent entered into the property, the appellant filed a suit in O.S.No.100 of 2018 and obtained an order interim injunction pending disposal of the suit. However, the same was admittedly reversed by this Court in CMA.No.961 of 2018 by an

order dated 05.10.2018. The said order has been challenged before the Hon'ble Apex Court and the matter is subjudice before the Hon'ble Supreme Court in the SLP filed by the appellant. Therefore, there is no dispute about the aforesaid proceedings.

18.M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) approached the District Collector, Salem for renewal of "C" form license for the theater and the same was rejected by passing of three separate orders in respect of three theaters on 07.01.2019 stating that the Indian Overseas Bank, Anna Salai Branch had taken symbolic possession of the property.

19.It is seen from the records that an appeal has been preferred by M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) against the order of the District Collector, Salem before the appellate authority viz., the Secretary and Commissioner, Land Administration, Chepauk, Chennai (2nd respondent in W.A.No.3216 of 2019) and the appellant herein also filed caveat before the appellate authority and the appellant was also heard. After hearing the parties, the Appellate Authority by an order dated 10.01.2019 dismissed the appeal filed by M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019). In the said order of dismissal it has been categorically stated that M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) is not having the certificates which are mandatory for renewal of "C" form license/"E" Permit as required under Rule 92 (1) and 97 of Tamil Nadu Cinema (Regulation) Rules, 1957 and there is SARFAESI proceedings against M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019). The relevant portion of the order dated 10.01.2019 is extracted as follows:

"Based on the available records, it is construed that, the petitioner Aascar Entertainment (P) Ltd., (3 screens) are not having the required certificates, for renewal of 'C' form licence/'E' permit as per rules 92 (1) & 97 of TN cinema (Regulation) Rules, 1957 and the C Form license expired on 7.1.19. District Collector has passed an order under SARFAESI Act and the interim stay orders on this issued by Debt Recovery Tribunal with a condition to pay 5% on 17.11.18 and 5% on 30.11.18 is vacated on 19.11.2018 due to conditional order not being complied with.

Thus, on the afore mentioned grounds and based on provisions of the Act and the Rules, the petitioners prayers for stay and grant of E-permit stands rejected.

I do not find any valid reasons to interfere with the decisions of the District Collector, Salem dated 7.1.2019 for C-form Licence renewal. The District Collector, Salem is hereby instructed to ensure that the Rules framed under Tamil Nadu Cinema Regulation Act 1955 may be scrupulously adhered in this regard."

From the above, it is clear that as on 10.01.2019 M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) did not have mandatory documents for renewal of "C" form license. However, the learned single Judge by order dated 18.02.2019 in W.P.No.1262 of 2019 directed the District Collector, Salem to issue "E" Permit. Paragraph 2 of the interim order dated 18.02.2019 is usefully extracted as follows:

"2.Since time is sought for to place the OTS proposal offered by the petitioner before the Board, let the matters be listed on 04.03.2019. However, the respondent-Bank is at liberty to avail the amount of Rs.6.75 Crores only in the event of acceptance of the OTS proposal. In the meanwhile, considering the fact that all the parties, viz., Bank, Borrower and the Public and all going to be the beneficiaries, the District Collector, Salem is directed to issue e-permit in respect of Screen-1, Screen-2, Screen 3 of the petitioner-Theatre on production of the following three documents:-

- (i) Building stability certificate.
 - (ii) Challan/receipt in proof of payment of Rs.200/- to the Government account in respect of e-permit.
 - (iii) Electrical Inspector's certificate.
- Call on 04.03.2019."

A reading of the above order makes it very clear that the Electrical Inspector's Certificate was directed to be produced for getting "E" Permit to the M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019). However, as already held by the appellate authority, the required certificates have not been produced by M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) at the time of hearing before the said authority. Even otherwise, "E" Permit should not have been granted based on the order passed by the learned single Judge on 18.02.2019 as it is one of the conditions that the Electrical Inspector's Certificate should be produced whereas admittedly M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) was not having the said certificates.

20. Thereafter, W.A.No.1039 of 2019 has been filed by the appellant. In the said appeal, Division Bench of this Court by an order dated 11.04.2019 directed the Chief Electrical

Inspector to enquire into the matter with regard to the original Chief Electrical Inspector's Certificate, as a duplicate was already issued as per the order of the learned single Judge. Paragraph 3 to 5 of the order dated 11.04.2019 made in W.A.1039 of 2019 is usefully extracted hereunder:

"3. The controversy revolves around the certificate of the Chief Electrical Inspector. A duplicate certificate has been issued at the request made by the fourth respondent, pursuant to the directions issued in the writ petition. The appellant claims that the original certificate is with him. If the original is in the custody of a particular person, it goes without saying that a duplicate cannot be issued. In other words, the original and duplicate cannot exist simultaneously.

4. The Chief Electrical Inspector, in his written instructions given to the learned Government Advocate has stated that a notice was issued to the appellant on 22.01.2019 to clarify certain points relating to the original certificate issued by Chief Electrical Inspector, but the appellant has not clarified. However, in the meantime, to implement the order in the writ petition, duplicate has been issued. Therefore, the Chief Electrical Inspector has to enquire into the matter and submit a report to this Court especially when it is not disputed that the original certificate is with the appellant.

5. Hence, we direct the appellant as well as the fourth respondent to appear before the Chief Electrical Inspector, Salem on 22.04.2019 during working hours. Both shall present their respective stand before the Chief Electrical Inspector who shall consider the same and submit a report to this Court for further orders. "

21. Again when the matter came up before this Court on 29.04.2019, this Court took note of the report filed by the Electrical Inspector, Salem Division who categorically stated that the original Electrical Certificate was in possession of Mr.A.Chandrasekaran, appellant herein, and therefore, the Court held that the duplicate needs to be cancelled. The said order is usefully extracted hereunder:

"In terms of directions issued by us on 11.04.2019, the Electrical Inspector, Salem Division has conducted an enquiry and submitted a report along with the relevant rules as annexures. The copy of the report has been given to the counsels appearing on either side. The learned counsels seek time to go through the report and file response if any. Post the matter immediately after summer vacation.

2. The Electrical Inspector has called for the original records and it is found that the original Electrical Certificate is now in the possession of Mr.A.Chandrasekaran. In the light of the fact that the original certificate is traceable and has been produced, obviously, the duplicate needs to be cancelled. Necessary orders be passed in this regard "

From the above it is clear that the original Electrical Inspector's Certificate was found to be in possession of the appellant and the duplicate certificate which was issued pursuant to the interim order passed by the learned single Judge was directed to be cancelled. The matter should have been finalized at that point of time itself. However, matter was directed to be posted after vacation which came up before another Division Bench on 12.07.2019 which passed the following order:

"Having heard the learned counsel for some time and on perusing the record, we direct by this interim order that both the parties will surrender all their Original Certificates, issued under the provisions of the Tamil Nadu Cinemas (Regulation) Act, 1955, and the Tamil Nadu Cinemas (Regulation) Rules, 1957, before the learned District Collector, Salem, within a period of ten days from today.

2. Both the parties shall appear before the learned District Collector, Salem, in the first instance on 23.07.2019. The parties will be free to raise all their contentions before the learned District Collector and lead evidence for their rival claims to claim the Licence or Certificates under the provisions of the said Act and the Rules.

3. On approach of the parties as indicated above and on analysing their claims, the learned District Collector, Salem, is directed to pass a detailed and speaking order within a period of four weeks thereafter. The said order passed by the learned District Collector shall be placed before this Court through the learned Government Counsel by the next date of hearing of the case. However, effect to the said order will not be given without leave of this Court.

4. Hearing of the present case is, therefore, adjourned to 28.08.2019. "

22. In the opinion of this Court the order dated 29.04.2019 itself would give finality to the issue as the entire issue revolves around the possession of original Chief Electrical Inspector's Certificate. This Court found from the Chief Electrical Inspector's report filed before this Court that the original Electrical Certificate has been in possession of

Mr.A.Chandrasekaran, appellant herein and the duplicate certificate has to be cancelled as the original certificate was produced by the appellant. When the Chief Electrical Inspector's report has found that the appellant is in possession of the original certificate, the question of the conducting the further enquiry by the District Collector, Salem does not arise. Accordingly, neither issuance of "C" form license nor renewal of "C" form license could be granted to M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) as it is mandatory on the part of the party who is seeking "C" form license to produce the original certificates as per Rule 97 of Tamil Nadu Cinema (Regulation) Rules, 1957 which is extracted as follows:

"97. (1) If, on an application for the renewal of a licence made under rule 92, the licensing authority does not for any reason before the date of expiry of the licence, either renew and return the licence or refuse to renew the same, he shall grant a temporary permit in Form "E" provided that the Chief Electrical Inspector's certificate and the structural soundness certificate continues to remain valid. The issue of such temporary permit shall be considered by the licensing authority on production of a certificate by the applicant from the Commercial Tax Authorities that there is no tax due from the applicant under the Tamil Nadu Entertainment Tax Act, 1939 (Tamil Nadu Act X of 1939) and the Tamil Nadu Local Authorities Finance Act, 1961 (Tamil Nadu Act 52 of 1961): Provided that it shall be sufficient if a certificate from the Commercial Tax Authority referred to in sub rule (1) is produced once in three month.

(2) Such temporary permit shall be subject to the conditions of the licence sought to be renewed, and shall be valid for a period of one month from the date of the grant thereof and may be renewed by the licensing authority for further period of one month at a time:

Provided that the temporary permit shall cease to be valid and shall be surrendered to the licensing authority on the applicant receiving the licence duly renewed or on his receiving an order refusing to renew the licence:

Provided further that the temporary permit shall be surrendered to the licensing authority on demand made at any time in that behalf.

(3) A fee of Rs. 200 (Rupees two hundred only) shall be collected for grant of such temporary permit for permanent and semi-permanent cinemas and Rs. 100 (Rupees one hundred only) for travelling cinemas.

(4) The temporary permit shall during the period of its validity, be deemed to be a licence for the purpose of these rules."

Therefore, there cannot be issuance of "C" form license in favour of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019), contrary to the Rules and facts found by Electrical Inspector's Report and accepted by this Court by order dated 29.04.2019.

23.As per the direction of this Court dated 12.07.2019, the District Collector, Salem conducted an enquiry and passed appropriate orders. Accordingly, the order dated 19.08.2019 came to be passed. Though the order has been passed on 19.08.2019, rejecting the claim of the appellant and granted license in favour of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019), this Court is entitled to go into the validity and the legality of the order passed by the District Collector, Salem, as this Court by order dated 12.07.2019 had only directed the District Collector, Salem to conduct enquiry and pass orders and not to give effect without leave of this Court. At the risk of repetition paragraph 3 of the order dated 12.07.2019 is usefully extracted as follows:

"3. On approach of the parties as indicated above and on analysing their claims, the learned District Collector, Salem, is directed to pass a detailed and speaking order within a period of four weeks thereafter. The said order passed by the learned District Collector shall be placed before this Court through the learned Government Counsel by the next date of hearing of the case. However, effect to the said order will not be given without leave of this Court. "

24.A perusal of the order dated 19.08.2019 passed by the District Collector, Salem would reveal that only based on the records the said authority is of the opinion that the name of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) is found in all the certificates and the property also belongs to the 4th respondent and therefore, it was concluded that the appellant has got no connection with the property.

25.The said order dated 19.08.2019 cannot be sustained as the original Electrical Inspector's Certificate has been in possession of the appellant even according to the report of the Chief Electrical Inspector himself, as recorded by this Court in its order dated 29.04.2019. The said order passed by the District Collector, Salem on 19.08.2019 is contrary to the records and facts. Subsequent inspection of the Chief Electrical Inspector will not make any difference. The question as to whether the appellant or M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) is having the original Chief Electrical Inspector's Certificate or whether M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) is entitled to renewal of "C" form license does not arise, as it is found that the appellant is in possession of the mandatory documents which are required to be produced at the time of renewal. Therefore, the order dated 19.08.2019 is liable to be quashed.

26.Though it is contended by the learned senior counsel appearing for M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) that W.A.3216 of 2019 has become infructuous, as it was filed only against the order dated 18.02.2019 made in W.M.P.No.1417 of 2019 in W.P.No.1262 of 2019 and when the Writ Petition in W.P.1262 of 2019 itself has been allowed by the learned single Judge of this Court, the same is not sustainable. A perusal of the order passed by the learned single Judge in W.P.No.1262 of 2019 dated 23.07.2019 would reveal that in view of the direction given by the Division Bench of this Court and the change of circumstances and facts, the order of the 2nd respondent therein as confirmed by the 1st respondent by order dated 10.01.2019 is implicitly ordered to be revisited by the Division Bench. Paragraph 26 and 27 of the said order is usefully extracted hereunder:

"26.In view of the above direction of the Hon'ble Division Bench of this Court and the change of circumstances and facts, the order of the second respondent as confirmed by the first respondent vide order dated 10/01/2019 implicitly ordered to be revisited by the Division Bench. Therefore, the order of the first and second respondents dated 7/01/2019 and 10/01/2019 respectively are quashed.

27.In reverence to the Division Bench direction dated 12/07/2019, the 2nd respondent is directed to act and decide. Till the Division Bench passes order, the temporary license granted in favour of the petitioner, as per the interim order of this court, shall be in force."

27.Taking note of the order dated 12.07.2019 passed by this Court and the change of the circumstances, the learned single Judge has quashed the original order passed by the District

Collector, dated 07.01.2019 as confirmed by the appellate authority by order dated 10.01.2019. Therefore, it is evident that the learned single Judge took note of the pendency of the Writ Appeal and directed to act as per the order of the Division Bench. Further the learned single Judge had directed issuance of temporary license to M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) till an order came to be passed by the Division Bench.

28.Even in paragraph 24 of the order, the learned single Judge observed that except the original Electrical Certificate, the other documents are in possession of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019). When the mandatory document is not in possession of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019), an order granting license cannot be sustained. There cannot be a direction or mandamus to violate the statute/rule which is a settled position of law. Therefore the order of the learned single Judge pending disposal of the Writ Appeal has been passed and the same cannot be ignored. Otherwise the order of the learned single Judge would be construed as an interim order till the disposal of the Writ Appeal. When the Chief Electrical Inspector's Certificate is found to be in possession of the appellant, even as per the authorities report, the same cannot be ignored by the learned single Judge. When the original certificate issued as per Rule 97 of Tamil Nadu Cinema (Regulation) Rules, 1957 is available with the Appellant, definitely the learned single Judge ought to have allowed the Writ Petition filed by the appellant and ought not to have issued direction to grant duplicate certificate.

29.The District Collector, Salem filed counter affidavit in W.P.No.1262 of 2019 wherein at paragraph 4 it has been categorically stated that the 4th respondent has not complied with the guidelines Tamil Nadu Cinema (Regulation) Rules, 1957, for renewal of "C" form license and has not produced the mandatory valid documents viz., Structural soundness certificate, Electrical Inspector's Certificate in original at the time of submission of application for renewal of "C" form license. The relevant portion of the counter affidavit is extracted as follows:

"The petitioner has not complied the guidelines of Tamil Nadu Cinema (Regulations) Rules 1957 for renewal of C Form licence. The petitioner has not produced the mandatory valid documents Structural soundness Certificate, Electrical Inspector Certificate in original at the time of submission of application for C form licence renewal and also a SARFAESI proceedings has been issued vide 19808/2018/C2 dated 12.10.2018. ...

7.I humbly submitted with regard to the averment contained in para 5, 6 & 7 are all denied as false. I am conversant with the facts of this petitioner's prayer from records that are available with my office. There is a SARFAESI Proceeding is taken against the theatre complex which the petitioner sought for C form Licence Renewal and also the petitioner has not complied the guidelines of Tamil Nadu Cinema (Regulations) Rules 1957 for renewal of C Form licence. The petitioner was not produced the mandatory valid documents Structural soundness Certificate, Electrical Inspector Certificate in original at the time of submission of application for C form licence for renewal. Hence the petitioner's request was rejected vide ROC.No.420/2019/C2, dated 07.01.2019 with due process of Law. The appeal petition has been filed by the petitioner before the 1st respondent also rejected vide Proc.No.L1/454/2019, Dated 10.01.2019. Based on the available records, it is constructed that the petitioner AAascar Entertainment Pvt. Ltd., (3 Screens) are not having the required certificates for renewal of 'C' form Licence/'E' Permit as per Rules 92(1) and 97 TN Cinema (Regulations) Rules 1957 and C form Licence expired on 07.01.2019. District Collector has passed an order under SARFAESI Act and interim stay order on this issued by Debt Recovery Tribunal with a condition to pay 5% on 17.11.2018 and 5% on 30.11.2018 is vacated on 19.11.2018 due to conditional order not being complied with."

30.When M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) has not produced the necessary documents, the 1st and 2nd respondent WP.1262 of 2019 viz., (1) The Secretary and Commissioner, Land Administration, Chepauk, Chennai and (2) The District Collector, Salem have rightly rejected the claim for renewal of "C" form license, however, to the dismay, the District Collector viz., the 2nd respondent took a contrary diametrically opposite view to his earlier stand before this Court and supported the case of the M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019), merely because there is a change of District Collector. It is evident from the Chief Electrical Inspector's report filed before this Court that the appellant was found to be in possession of the original certificate and the 1st respondent and 2nd respondent have also opposed the claim of the M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) by filing counter as stated above. Therefore, the conduct of the District Collector needs to be deprecated. Even the original certificates have been produced before this Court by the appellant and this Court also verified the same. They are as follows:

1.Original Form - N, Certificate of Structural Soundness (for the period 08.01.2018 to 07.01.2019) and Form - O (for the period 08.01.2018 to 07.01.2019) with regard to SAPNA issued by Superintending Engineer, PWD, Planning and Designs Circle, Chepauk, Chennai - 5, dated 12.01.2018.

2.Original Form - N, Certificate of Structural Soundness (for the period 08.01.2018 to 07.01.2019) and Form - O (for the period 08.01.2018 to 07.01.2019) with regard to SANTHAM issued by Superintending Engineer, PWD, Planning and Designs Circle, Chepauk, Chennai - 5, dated 12.01.2018.

3.Original Form - N, Certificate of Structural Soundness (for the period 08.01.2018 to 07.01.2019) and Form - O (for the period 08.01.2018 to 07.01.2019) with regard to SANTHOSH issued by Superintending Engineer, PWD, Planning and Designs Circle, Chepauk, Chennai - 5, dated 12.01.2018.

4.Original Standard Fire and Special Perils Policy No.1708011117P115080649 issued by United India Insurance Company Limited for the period from 22.01.2018 to 21.01.2019 along with Certificate issued by Films Division, Ministry of Information and Broadcasting, Government of India, in File No.734 for the period upto 31st December 2022 and Form - O report for the period from 08.01.2018 to 07.01.2019.

5.Original Property Tax name changing order in Certificate No.049/0010231, dated 24.02.2018.

6.Photocopy of No Objection Certificate in Form-B issued by District Collector, Salem, dated 12.02.2010.

7.Photocopy of letter written by the District Collector, Salem addressed to Principal Secretary to Government, cs;(Cinema)Jiw, Secretariat, Chennai in Na.Ka.No.35155/2015/C2, dated 11.05.2017.

8.Acknowledgment received from Principal Secretary to Government, cs;;;;;(Cinema)Jiw, Secretariat, Chennai with regard to the letter in Na.Ka.No.35155/2015/C2.

9.Photocopy of letter written by the District Collector, Salem addressed to Electrical Inspector, Salem, in Na.Ka.No.29645/2017/C2, dated 28.11.2017.

10. Photocopy of G.O.(D).No.1284, cs; (Cinema) JiW, dated 16.10.2017.

11. Photocopy of letter written by the Additional Chief Secretary/Commissioner of Land Administration addressed to the District Collector, Salem, in Letter No.L2/12531/2017, dated 24.10.2017.

12. Certificate issued by Films Division, Ministry of Information and Broadcasting, Government of India, in File No.736 for the period upto 31st December 2022.

13. Photocopy of Standard Fire and Special Perils Policy No.1708011117P115080649 issued by United India Insurance Company Limited for the period from 22.01.2018 to 21.01.2019.

14. Photocopy of no due certificate dated 08.02.20018 (SANTHOSH) issued by Entertainment Tax Officer/State Tax Officer, Salem City (West) , Salem.

15. Photocopy of no due certificate dated 08.02.20018 (SANTHAM) issued by Entertainment Tax Officer/State Tax Officer, Salem City (West) , Salem.

16. Photocopy of no due certificate dated 08.02.20018 (SAPNA) issued by Entertainment Tax Officer/State Tax Officer, Salem City (West) , Salem.

17. Photocopies of receipts of various payments made to Salem Corporation.

18. True copy of the Proceedings of the Salem District Collector passed in Ni.Mu.3751/2018/C2, dated 16.03.2018.

19. Photocopy of the Proceedings of the Salem District Collector passed in Ni.Mu.3748/2018/C2, dated 16.03.2018.

20. True copy of the Proceedings of the Salem District Collector passed in Ni.Mu.3750/2018/C2, dated 16.03.2018.

21. Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.09.

22. Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.08.

23.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.07.

24.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.06.

25.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.05.

26.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.04.

27.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.03.

28.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.02.

29.Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.01.

30.Another copy of the Blue print of completion plan of the permanent AC theaters viz., Santhosh, Sapna and Santham (after renovation) - Sheet No.01 .

31.Form - E issued by Electrical Inspector, Salem [Screen-1], dt 16.02.2018.

32.Form - E issued by Electrical Inspector, Salem [Screen-2], dt 16.02.2018.

33.Form - E issued by Electrical Inspector, Salem [Screen-3], dt 16.02.2018.

34.Bunch of Keys.

35.Two Compact Discs.

- 31.From the facts mentioned above,
1. It is evident that the appellant as on date is in possession of the original documents of the theatre viz., structural soundness certificates, Electrical Inspector's certificates.

2. The factum of possession of original Chief Electrical Inspector's Certificate as has been found by the Electrical Inspector in his report was also taken note of by this Court by order dated 29.04.2019.
3. When the original certificates are available with the appellant, the question of issuance of duplicate certificate as per Rule 44(2) Tamil Nadu Cinema (Regulation) Rules, 1957 does not arise. Paragraph 12 & 13 of the learned single Judge is usefully extracted as follows:

"12.Lastly, it is to be noted that in the light of Rule 44(2) of the Tamil Nadu Cinemas (Regulation) Rules, 1957, which is extracted below;

'(2)A duplicate of the Chief Electrical Inspector's Certificate may be granted by the Chief Electrical Inspector on payment of a fee of Rs.25, provided that the application is submitted through the licencing authority.'

the petitioner is entitled to get duplicate Electrical Inspector's Certificate on payment of requisite fee, if any.

13.Accordingly, the second respondent is hereby directed to issue Duplicate Electrical Inspector's Certificate within a period of ten days from the date of receipt of a copy of this order, subject to the result of the pending suit. W.P. No.5953 of 2019 filed by the AAascar Entertainment Private Limited stands allowed. Consequently, W.M.P. is closed. No costs"

32.Thus, the question of issuance of duplicate certificate will not arise when the original itself is available and found to be in possession of the appellant herein and therefore, the prayer sought for by the appellant not to issue duplicate Electrical Inspector's Certificate ("E" Book) to M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) should have been allowed and the prayer should be positively granted.

33.The order of the learned single Judge is contrary to the finding reached by this Court as found in order dated 29.04.2019. At the risk of repetition the said order dated 29.04.2019 is extracted as follows:

"In terms of directions issued by us on 11.04.2019, the Electrical Inspector, Salem Division has conducted an enquiry and submitted a report along with the relevant rules as annexures. The copy of the report has

been given to the counsels appearing on either side. The learned counsels seek time to go through the report and file response if any. Post the matter immediately after summer vacation.

2. The Electrical Inspector has called for the original records and it is found that the original Electrical Certificate is now in the possession of Mr.A.Chandrasekaran. In the light of the fact that the original certificate is traceable and has been produced, obviously, the duplicate needs to be cancelled. Necessary orders be passed in this regard "

34.In the light of the finding rendered by the Division Bench of this Court that the appellant is in possession of the mandatory document including original Electrical Inspector's Certificate and therefore the duplicate certificate cannot be directed to be issued and the same needs to be cancelled, the order of the learned single Judge refusing to grant relief to the petitioner is liable to be set aside and accordingly set aside.

35.One more contention raised by the learned senior counsel appearing on behalf of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) is that when a common order dated 13.03.2019 has been passed wherein Writ Petition filed by the Appellant viz., W.P.No.6206 of 2019 was dismissed and Writ Petition filed by the 4th respondent viz., W.P.No.5953 of 2019 was allowed, filing of a single Writ Appeal against the dismissal order of W.P.No.6206 of 2019 filed by the appellant is not maintainable in view of resjudicata.

36.No doubt if both the appellant and the 4th respondent are party to the Writ Petitions, resjudicata will come into play as decided by the Hon'ble Supreme Court in the following decisions.

(i) Lonankutty v. Thomman and another reported in (1976) 3 SCC 528.

(ii) Narayana Prabhu Venkateswara Prabhu v. Narayana Prabhu Krishna Prabhu reported in (1977) 2 SCC 181.

(iii) Premier Tyres Ltd. v. Kerala State Road Transport Corporation reported in 1993 Supp (2) SCC 146.

(iv) Ram Prakash v. Charan Kaur (SMT) and another reported in (1997) 9 SCC 543.

(v) Banarsi and others v. Ram Phal reported in (2003) 9 SCC 606.

(vi) Sri Gangai Vinayagar Temple and another v. Meenakshi Ammal and others reported in (2015) 3 SCC 624. However, in this case, the appellant filed W.P.No.6206 of 2019 making 4th respondent as party to the proceedings, whereas W.P.No.5953 of 2019 filed by the 4th respondent warbled against only official respondents and the appellant herein was not party in the said Writ Petition. Therefore, the question of resjudicata will not arise as the appellant is not a party to the said proceedings and the judgments are not applicable to the facts of the case. Since the appellant made the 4th respondent as party in his W.P.No.6206 of 2019, he is aggrieved over the denial of relief in his Writ Petition and therefore, he has rightly filed this Writ Appeal against the dismissal of his Writ Petition alone.

37.The appellant is not concerned with the order passed in W.P.No.5953 of 2019 filed by the 4th respondent as he has not been made as party by the 4th respondent, even though a common order has been passed in both the Writ Petitions. Hence the plea based on resjudicata is liable to be rejected and accordingly, rejected.

38.For the reasons stated above,

1. The order passed by the learned single Judge in W.P.No.6206 of 2019 dated 13.03.2019 is set aside and W.A.No.1039 of 2019 is allowed.
2. There shall be directions to the District Collector, Salem (a) to cancel the duplicate Electrical Inspector's Certificate and (b) to cancel E-permit already granted in respect of Screen-1, Screen-2 and Screen-3 in favor of M/s.Aascar Films (P) Ltd., (4th respondent in W.A.No.1039 of 2019) situated in Erumapalayam village, Salem Taluk and District forthwith and report the same to this Court within a period of one week from the date of receipt of a copy of this order.
3. The order passed by the 1st respondent/District Collector, Salem, on 19.08.2019, is also quashed as it is contrary to the facts and all the documents including the required original documents as per law, which have been produced by the appellant before this Court and verified by this Court.
4. W.A.No.3216 of 2019 is disposed in the light of the Division Bench Judgment of this Court dated 29.04.2019 directing cancellation of duplicate Electrical Inspector's Certificate.

5. The order passed by the learned single Judge dated 23.07.2019 in W.P.No.1262 of 2019 is contrary to the order dated 29.04.2019 passed by the Division Bench and facts and therefore, it is deemed to be set aside. Connected miscellaneous petitions are closed. No costs. For reporting compliance, call the matter on 20.11.2020.

Sd/-

Assistant Registrar(CI)

//True Copy//

Sub Assistant Registrar

pgp/sai

To

1.The District Collector,
Collectorate, Salem.

2.The Electrical Inspector,
26-J, Sangeeth Theatre Complex,
Pulikuthi 4th Street, Kugai, Salem.

3.The Chairman, TANGEDCO,
144, N.P.K.R.R.Maligai,
Mount Road, Chennai 600 002.

4.The Secretary and Commissioner,
Land Administration,
Chepauk, Chennai.

+1cc to the Government Pleader, S.R.No.36751

+2ccs to M/s.M.Naraayanaswamy, Advocate, S.R.No.36556, 36557

+2ccs to Mr.S.Hameed Ismail, Advocate, S.R.No.36433

WEB COPY

W.A.Nos.1039 & 3216 of 2019

RSI (CO)
KKV/07/12/2020