

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9900 of 2020

and

W.M.P.Nos.12033 & 12034 of 2020

R.Singaravadivelan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to the Government
Home, P & E Department,
Secretariat, Chennai 9.
- 2.The Additional Chief Secretary to Government,
Commissioner of Land Administration,
Chepauk, Chennai 5.
- 3.The General Secretary,
Tamil Nadu Films Exhibitors Association,
No.16, Poes Road, 3rd Street,
Teynampet, Chennai 18.
- 4.The Tamil Nadu Film Producer Council,
No.606, Anna Salai,
Film Chamber Compound,
Chennai 6.

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, to call for the G.O.Ms.No.740 dated 06.10.2017, G.O.Ms.No.762 dated 16.10.2017 and G.O.Ms.No.1599 dated 26.09.2018 passed by the second respondent and quash the same and consequently directing the first respondent to implement G.O. (D).No.7 dated 03.01.2017 which was passed by the first respondent to that effect and pass orders.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mrs.Narmatha Sampath,
Additional Advocate General assisted by
Mr.E.Balamurugan,
Additional Government Pleader for R1 & R2

O R D E R

This writ petition has been filed challenging the Government Orders issued in G.O.Ms.No.740 dated 06.10.2017, G.O.Ms.No.762 dated 16.10.2017 and G.O.Ms.No.1599 dated 26.09.2018 and for a consequential direction to the first respondent to implement G.O.(D).No.7 dated 03.01.2017.

2.The learned counsel for the petitioner, during his arguments, attacked the Government Orders mainly on the ground that the impugned Government Orders enabled the theatres to collect exorbitant amount from the theatre goers towards ticket. The learned counsel further submitted that the subsequent Government Orders did not take into consideration the earlier Government Order passed in G.O.No.7 dated 03.01.2017 wherein the demand made by the Theatre owners was rejected by the Government and within a very short time, the subsequent Government Orders were given effect and virtually, the earlier G.O was made completely ineffective.

3.In the considered view of this Court, the petitioner does not have the locus standi to maintain this writ petition. Nowhere in the affidavit filed in support of this writ petition, the petitioner states as to how he is aggrieved by the impugned Government Orders. A person invoking the writ jurisdiction should ordinarily show that his personal or individual right has been affected. The exception to this general rule is only in cases of Writ of habeas corpus or quo-waranto or writ petitions filed in public interest. Useful reference can be made in this regard to the judgment of the Hon'ble Supreme Court in the case of Vinoy Kumar Vs. State of Uttra Pradesh reported in AIR 2001 SC 1739 and also in the case of Ayaubkhan Noorkhan Pathan Vs. State of Maharashtra and others reported in (2012) 8 MLJ 679. Therefore, it is clear that the petitioner had attempted to challenge the Government Orders even without making a single averment as to how his individual or personal right has been affected.

4.The above writ petition challenges the Government Orders passed in the year 2017. It is nearly three years since the Government Orders were passed and the petitioner does not anywhere state in the affidavit filed in support of the writ petition as to why it took three years for him to challenge the Government Orders. It is true that there is no limitation period provided for filing a writ petition. However, laches is always considered to be a ground to reject the writ petition where the petitioner has not explained the substantial delay that has occurred in filing the writ petition. This writ petition is liable to be rejected on this ground also.

5.In view of the above discussion, this Court does not want to go into the merits of the submission made by the learned counsel for the petitioner and this writ petition is dismissed on the ground of locus standi and latches on the part of the petitioner. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vkr

To

- 1.The Principal Secretary to the Government
Home, P & E Department,
Secretariat, Chennai 9.
- 2.The Additional Chief Secretary to Government,
Commissioner of Land Administration,
Chepauk, Chennai 5.
- 3.The General Secretary,
Tamil Nadu Films Exhibitors Association,
No.16, Poes Road, 3rd Street,
Teynampet, Chennai 18.
- 4.The Tamil Nadu Film Producer Council,
No.606, Anna Salai,
Film Chamber Compound,
Chennai 6.
- 5.The Government Pleader,
High Court, Madras.

WEB COPY

W.P.No.9900 of 2020 and
W.M.P.Nos.12033 & 12034 of 2020

AJS (CO)
GN(22/10/2020)