



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.11449 of 2020

Indian National League Party,
represented by its
Secretary,
A.Aboothahir

... Petitioner

Vs.

The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to take appropriate action as per the provisions of Sections 5 and 9 of the Tamil Nadu Cinemas Regulation Act, 1955, by considering the petitioner's representation, dated 27.01.2020.

For Petitioner : Mr.C.Suci Kumar

For Respondents : Mr.R.Murugan
Additional Government Pleader

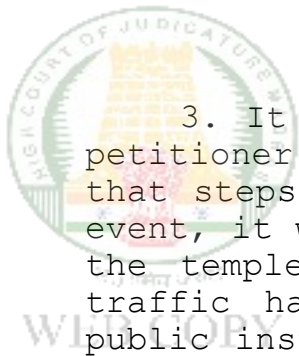
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ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner is the Secretary of the Indian National League Party and from the averments in the affidavit filed in support of this writ petition, it is not clear as to whether it is a registered political party or not.

2. Learned Counsel for the petitioner would submit that in Nethaji Road, Melapalayam, a cinema theatre called 'Alangar Theatre' was functioning 20 years back and subsequently, it was closed on account of existence of temple, mosque and church.



3. It is the further submission of the learned Counsel for the petitioner that the petitioner recently became aware of the fact that steps are being taken to re-open the said Theatre and in that event, it would definitely cause inconvenience to the worshippers of the temple, mosque and church and that apart, it would lead to traffic hazard for the reason that there are schools and other public institutions located nearby. The representation submitted in this regard, dated 27.01.2020, to the respondent failed to evoke any kind of response and hence, came forward to file this writ petition.

4. The learned Counsel for the petitioner would also submit that under Section 5 of the Tamil Nadu Cinemas Regulation Act, 1955, the licensing authority at the time of granting licence, shall take into consideration certain factors either to grant or refuse the licence and in the event of licence being granted, if there is any infraction, Section 9 of the said Act can be invoked and therefore, prays for appropriate orders.

5. Heard the submissions of Mr.R.Murugan, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

6. During the course of arguments, this Court put a pertinent query as to the authorised/unauthorised or otherwise of the religious structures, namely, temple, mosque and church which were said to have been located nearby the said cinema theatre, the learned Counsel for the petitioner is unable to answer to the said query.

7. The rule position is that the construction of religious structures also requires planning permission and it is not clear from the affidavit filed in support of this writ petition as to the authorisation/permission/licence granted for the construction and location of the said religious structures nearby the cinema theatre. The facts culled out from the affidavit filed in support of this writ petition would also disclose that the said cinema theatre did function for some time and thereafter, it has been closed and there is a likelihood of re-opening of the said cinema theatre.

8. This Court cannot presume that the licensing authority would act contrary to the provisions of the Tamil Nadu Cinemas Regulation Act, 1955, in the event of a request being made for re-opening or otherwise of the said cinema theatre and in the absence of any relevant particulars, this Court is not in a position to pass any positive order in favour of the petitioner. This writ petition is also bereft of any material and relevant particulars.



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9. In the result, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RSB

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to the SPL GP (SR-16946[F] dated 15/09/2020)

W.P. (MD)No.11449 of 2020

11.09.2020

CS(18.09.2020) 3P 3C