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IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 06.09.2021

PRONOUNCING ORDERS ON : 08.09.2021

CORAM

THE HONOURABLE JUSTICE MR.N.ANAND VENKATESH

W.P.NO.11370 OF 2020

AND

WMP NO.13859 OF 2020

R.Perumal

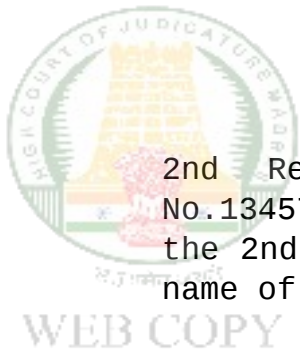
...Petitioner

.Vs.

1. The Chief secretary to Government
cum Appellate Authority
under the Pondicherry Cinemas
Regulations Act 1964
Govt. of Puducherry
Secretariat, Goubert Avenue,
White Town,
Pondicherry 605 001.
2. The Dist. collector cum Licensing Authority
Office of the District Magistrate
Vazhudavoor Road
Pettaiyanchathiram, Puducherry- 605009.
3. P.APPARSAMY
- 4 K.RAMESH

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the



2nd Respondent dated 30.7.2020 in his proceedings in No.13457/DM/D1/2020 and quash the same and consequently direct the 2nd Respondent herein to renew the license in Form-C in the name of "Balaji Theatre" forthwith.

For Petitioner : Mr.P.Wilson
Senior Counsel
for Mr.P.Dinesh Kumar

For Respondents : Mrs.Usha
Additional Government Pleader
for R 1, R 2

Mr.M.Rajasekhar
for R 3

Mr.V.Manohar
for R 4

O R D E R

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 30.07.2020 and for a consequential direction to the 2nd respondent to renew the license in Form-C in the name of "Balaji Theatre".

2.The case of the petitioner is that "Balaji Theatre" is a registered partnership firm constituted in the year 1980 and the petitioner, 3rd respondent and 4th respondent were partners. The further case of the petitioner is that he is the managing partner as per the original Partnership Deed.

3.The theatre is being run based on the Form-C license issued by the 2nd respondent. The parties are at loggerheads and writ petitions were filed before this court from the year 2009 onwards seeking for renewal of the license. Every time, the writ petition used to be contested by the parties and ultimately, license used to be renewed. This was going on till the year 2019. The final renewal of the license happened for the year 2019-2020 with a validity up to 24.05.2020. Even thereafter, the story continues and the present writ petition has been filed before this court seeking for renewal of the



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license in Form-C in the name of "Balaji Theatre". Since the same was rejected by the 2nd respondent through impugned proceedings dated 30.07.2020, the present writ petition has been filed before this court.

4. Heard Mr.P.Wilson, learned Senior Counsel for the petitioner, Mrs.Usha, learned Additional Government Pleader for respondents 1 and 2, Mr.M.Rajasekhar, learned counsel for 3rd respondent and Mr.V.Manohar, learned counsel appearing on behalf of the 4th respondent.

5. The 4th respondent is the son of the petitioner and the 3rd respondent is the brother-in-law of the petitioner. They also happened to be the partners of the firm. The 3rd and 4th respondents seem to have grievance against the petitioner on the ground that the petitioner has not submitted any accounts and he is mismanaging the affairs of the firm. According to the 3rd respondent, the property belongs to him and in spite of the same, the petitioner was acting in a high-handed manner.

6. The above dispute among the parties resulted in suits filed at different points of time. The 4th respondent filed a suit in O.S.No.130 of 2008, seeking for rendition of accounts and this suit was decreed on 01.10.2020. It is stated that the accounts were directed to be rendered for a particular period of time and it is at the stage of execution.

7. Apart from the above suit, the 3rd respondent has filed a suit in O.S.No.45 of 2009, against the 4th respondent for permanent injunction and this suit was decreed and as against the same, the 4th respondent has filed an appeal in A.S.No.16 of 2011.

8. The 3rd respondent has filed yet another suit in O.S.No.115 of 2011, for dissolution of partnership firm before the learned Sub Judge, Puducherry and the same is pending.

9. This Court does not want to get into the merits of the claims and counter claims made by either side and it is left open to the parties to agitate the same in the pending civil proceedings. For the present, this court is more concerned about the renewal of the license for the Theatre. The



fight between the parties is not going to end in the near future and this court is forced to give this finding, since attempts for mediation failed on an earlier occasion. Therefore, in the meantime the income earned out of the theatre must not be stopped and it must enure to the benefit of the partners, when ultimately the proceedings come to an end and the assets and liabilities are shared between the partners.

10. In view of the above, there shall be a direction to the 2nd respondent to renew the license in Form-C in the name of "Balaji Theatre" and this renewal shall be considered every year, till the dispute between the parties comes to an end or till the pending civil proceedings comes to an end. The learned Sub Judge, Puducherry, is directed to appoint a receiver in O.S.No.115 of 2011. The receiver shall be in complete control of the income received from the theatre and the expenses to be incurred for running the theatre. The Receiver shall submit the accounts before the Sub Court, Puducherry from time to time as directed by the court below. By resorting to this process, the income earned from the theatre will not come to a grinding halt and at the same time, the petitioner and respondents 3 and 4 will not have any grievance, if the income and expenditure from the theatre is properly accounted by the Receiver before the court. This direction is given more by way of an interim arrangement and it is left open to the parties to agitate their case in the pending civil litigations on its own merits and in accordance with law. This interim arrangement is being made at least to ensure that the parties do not knock the doors of this Court every year, seeking for renewal of Form-C license.

11. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

KP



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+1cc to Mr.P.Dinesh Kumar, Petitioner, Advocate, S.R.No.45316

+1cc to Mr.M.Raja Sekhar, 3rd Respondent, Advocate, S.R.No.45718

+1cc to Mr.V.Manohar, 4th Respondent, Advocate, S.R.No.46075

+1cc to the Government Pleader(Puducherry), S.R.No.45994

W.P.No.11370 of 2020

NR(CO)
RLP(23/09/2021)