



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33986 of 2019

S.Murugesan

...Petitioner

Vs.

1. The District Collector,
Collector Collectorate,
State Bank Road,
Coimbatore - 641 018.
2. The Revenue Divisional Officer,
Coimbatore South,
State Bank Road,
Coimbatore - 641 018.
3. The Proprietor,
Shakthi Velan Theatre,
Pooluvapatti Village,
Siruvani Main Road,
Alandurai, Coimbatore-641 101

...Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other order, more particularly in the nature of Writ, directing 2nd respondent to submit a report as per the proceedings of 1st respondent in Na.Ka.No.21484/2018/U2 dated 06.08.2019 and consequently direct the 1st respondent to act on the same in accordance with law.

For Petitioner	:	Mr.R.Subramanian
For Respondent R1 and R2	:	Mr.M.R.Gokul Krishnan Government Advocate
For Respondent 3	:	M/s.MA.PA.Thangavel



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing 2nd respondent to submit a report as per the proceedings of 1st respondent in Na.Ka.No.21484/2018/U2 dated 06.08.2019 and consequently direct the 1st respondent to act on the same in accordance with law.

2.The case of the petitioner is that the petitioner is running Gokulam Theatre for nearly 30 years, after obtaining C Form License. The 3rd respondent is running a touring Talkie in Koluvapatti Village in violation of various Cinema Rules. Hence, the petitioner made a representation to 1st respondent on 23.03.2016 regarding the same and report was called for by the 1st respondent vide letter dated 06.04.2016 from 2nd respondent but thereafter there was no action taken. Hence he sent another representation on 31.10.2018, who called for a report from 2nd respondent vide letter dated 08.11.2018. Thereafter the petitioner obtained information under RTI Act on 04.12.2018 and requested Tahsildar to take action and there was no response. Hence, the petitioner filed a Writ petition in W.P.No.7332 of 2019. When the writ petition came up for admission, the 2nd respondent promised to take action, hence, the petitioner withdrawn the writ petition.

3. It is further submitted that the petitioner made a representation on 20.07.2019 to the 1st respondent to take appropriate action against the 3rd respondent as per Cinematograph Act and Rules. The petitioner received a copy of the proceedings from the 1st respondent's office in Na.Ka.No.21484/20198/U2 dated 06.08.2019 directing the 2nd respondent to inspect the theatre and find out whether there is any violation of Rules and submit a report regarding the payment of GST and Entertainment Tax. Even after two months, no action has been taken. Hence, this Writ petition.

4.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 06.08.2019 and to pass appropriate orders.

5.The learned counsel for the respondent submitted that during the pendency of this writ petition, the first respondent directed the second respondent vide letter dated 12.06.2020 and the second respondent has inspected and found some



irregularities and violations and hence issued warrant letter and directed the third respondent to rectify the irregularities. Hence, this writ petition has become infructuous.

6. In view of the above submissions made by the counsel for both parties, it appears that during the pendency of the writ petition, the first respondent has considered the petitioner's representation and inspected the third respondent's theatre and found some irregularities and sent a warning letter to the third respondent and asked him to rectify the irregularities. Hence, nothing survives for further adjudication.

7. The writ petition is accordingly dismissed. No costs. However, the respondents are directed to provide a copy of the order passed by the 2nd respondent on the basis of the compliance of the violations by the 3rd respondent and the petitioner is granted liberty to proceed in accordance with law if the order of the 2nd respondent is not complied with.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

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To

1. The District Collector,
Collector Collectorate,
State Bank Road,
Coimbatore - 641 018.
2. The Revenue Divisional Officer,
Coimbatore(South),
State Bank Road,
Coimbatore - 641 018.

+1 CC to Mr.R.Subramanian, Advocate sr 57464
+1 CC to Mr.Ma.P. Thangavel, Advocate sr 57957
+1 CC to The Government Pleader sr 57713.

W.P.No.33986 of 2019

GJ(CO)
SP(02/12/2021)