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Writ Petition Nos. 41396, 41397, 41417, 41418, 41419,  
41431 of 2005, 1125 of 2006

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: **01.12.2022**

**C O R A M**

**THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR**

**Writ Petition Nos. 41396, 41397, 41417, 41418, 41419, 41431 of 2005 &  
1125 of 2006 &**

**WPMP.Nos.44478 to 44480, 44456, 44457, 44493 of 2005 &  
352 of 2006**

**W.P.No.41396 of 2005**

The Cosmopolitan Club,  
No.63, Anna Salai, Chennai – 600 002.  
rep. by its Hony. Secretary Mr.S.Arunagiri

... Petitioners

**Vs**

1. The Union of India  
Department of Education,  
Copyright Office,  
Rep. by its Registrar of Copyright,  
New Delhi.

2. Phonographic Performance Ltd.,  
No.2, Parsn Manere, No.602,  
Anna Salai, Chennai – 600 006.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India  
praying for the issuance of a Writ prohibiting the second respondent from in



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any manner demanding license or royalty in any form from the petitioner club for music played within its premises pursuant to the Tariff Structure published in part IV of the Gazette of India dated 10 – 16 September, 2005.

For petitioner ... Mr.P.R.Raman, Senior Counsel  
for Mr.C.Seethapathy – in all WPs

For respondents ... Mr.J.Madhanagopalrao, SPC – R1 in all WPs

Mr.PH.Aravindh Pandian, Senior Counsel  
fo Mr.Adhithya Reddy – R2 – in all WPs

### **COMMON ORDER**

These Writ Petitions have been filed to prohibit the second respondent from in any manner demanding license or royalty in any form from the petitioner club for music played within its premises pursuant to the Tariff Structure published in part IV of the Gazette of India dated 10 – 16 September, 2005.

2. These Writ Petitions have been filed challenging the show cause notice issued by the second respondent society on the ground that they are not liable to



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pay any such charges since they are not profit making body. It is also the contention of the petitioners during their submission that the second respondent has not been renewed as a society. Therefore, the demand notice is sought to be quashed.

3. Disputing the submissions and allegations in the Writ Petitions, it is the main contention of the learned Senior Counsel Mr.Aravindh Pandian that the very Writ Petitions itself are not maintainable. However submitted that as the show cause notices have been issued in the year 2005 and 2006, after passage of time, they will not proceed on the basis of the same show cause notice and they will issue fresh show cause notice and proceed according to law. The submissions of the learned Senior Counsel appearing for the second respondent is not disputed by the learned counsel for the first respondent.

4. In such view of the matter, as the learned Senior Counsel appearing for the respondent has submitted that they will not proceed against the demand notice in question at present, the question of quashing the demand notice does not arise at all. The respondents shall give a fresh show cause notice and



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proceed against the petitioners in the manner known law. In the event fresh show cause notice is issued, the petitioners are at liberty to take all their legal plea as per law.

5. Accordingly, these Writ Petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

**01.12.2022**

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To

1. The Union of India  
Department of Education,  
Copyright Office,  
Rep. by its Registrar of Copyright,  
New Delhi.
2. Phonographic Performance Ltd.,  
No.2, Parsn Manere, No.602,  
Anna Salai, Chennai – 600 006.



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**N. SATHISH KUMAR, J**

VRC

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**01.12.2022**