



W.P.No.28366 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.28366 of 2018

and

W.M.P.No.33078 of 2018

Film Exhibitors Association of T.T.Area,
Rep. by its President Mr.P.Meenakshi Sundaram
23/E, Shankar Abodes, Sankaran Pillai Road,
Tiruchirapalli – 620 002.

...Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary,
Home Department,
Fort St. George, Chennai – 600 009.
2. The Director General of Police,
Government of Tamilnadu,
Kamarajar Salai, Chennai – 600 004.
3. Tamil Nadu Film Producer's Council,
Film Chamber Compound,
606, Anna Salai, Chennai – 600 002.
(Attention:Mr.Duraiaraj).
4. Tamil Nadu film Distributor's Federation,
32/23, Meeran Sahib Street,
Anna Salai, Chennai – 600 02.



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(R3 & R4, Suo moto impleaded, vide order dated 24.01.2019 made in W.P.No.28366 of 2018)

5. M.K.S.Vasan @ Sakthi Vasan

6. Mohamed Ashlam
Proprietor of M/s. Film Box Productions,
Having Office at,
No.09, 1st Cross Street, Srinivasa Nagar,
Maduravayal, Chennai.

...Respondents

(R5 & R6 impleaded, vide order dated 07.03.2023 made in WMP.Nos.1678 & 2155 of 2019 respectively in W.P.No.28366 of 2018)

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents and all the officers and police personnel subordinate to them to forbear from arresting the owner/s of any theatre who are members of the petitioner's association as listed in Annexure A to this Writ Petition on a complaint to the effect that a film screened therein was captured in a camera unauthorisedly by such theatre owner/s, unless, after due inquiry, there is prima facie evidence to show that such capture was done at the behest of OR with the connivance of such owner/s.

For Petitioner : Mr.Rugan

For Respondents : Mr.V.P.R.Elamparithi, AGP, for R1 & R2
: Mr.P.Neethikumar
for M/s. Waraon and Sai Rams, for R4

ORDER

This Writ petition has been filed seeking direction to the respondents and all the officers and police personnel subordinate to them to forbear from



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arresting the owners of any theatre who are members of the petitioner's association on a complaint to the effect that a film screened therein was captured in a camera unauthorisedly by such theatre owners, unless, after due inquiry, there is prima facie evidence to show that such capture was done at the behest of or with the connivance of such owners.

2. Since no adverse order is being passed against the 5th and 6th respondents, notice to the 5th and 6th respondents is dispensed with.

3. The case of the petitioner is that the petitioner association is a registered Association of cinema theatres, established for the welfare and interests of film exhibitors/theatres, particularly in Trichy and Tanjavur area and generally in all of Tamil Nadu. Further, in recent times, piracy of films have become a grave concern and despite the various measures taken by the authorities of theatre owners to curb piracy of films, it has continued to pose a challenge to the entire film industry. While such being so, several film producers have made complaints against the theatre owners, alleging that, theatre owners are responsible for piracy and due to which, the film producers are facing financial losses. Pursuant to which, the Police officials



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are arresting or attempting to arrest the theatre owners, without conducting proper enquiry. Aggrieved by the said action of the police officials, the theatre owners, vide Tamil Nadu Theatre Owners Association, made representations on 24.07.2018 and 25.07.2018 before the 1st and 2nd respondents, seeking not to take any hasty action against the theatre owners, upon receipt of any complaint, unless after enquiry, a *prima facie* case is made out. However, till date, no orders have been passed on the said representations and several First Information Reports are being continuously registered against the theatre owners. Hence, the petitioner association has come up with this Writ Petition.

4. Learned counsel for the petitioner submitted that, though the Law Enforcing Agency has power to initiate appropriate action upon receipt of the complaints, however, they have no authority to arrest the theatre owners without conducting proper enquiry. Hence, he submitted that, it would suffice, if this Court issues necessary direction forbearing the respondents and all the officers and police personnel subordinate to them, from arresting the theatre owners, who are members of the petitioner association, based on a complaint stating that a film screened therein was captured in a camera unauthorisedly by



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such theatre owners, unless, after due inquiry, there is *prima facie* evidence to show that such capture was done at the behest of or with the connivance of such owners.

5. On the above said contentions, heard learned counsel appearing for the respective respondents and perused the materials available on record.

6. A perusal of the material documents placed on record reveal that, the petitioner association has come up with this Writ petition merely on the ground of apprehension of arrest of the theatre owners, who are members of the petitioner association, upon receipt of any complaint to the effect that a film screened therein was captured in a camera unauthorisedly by such theatre owners. However, it is the duty cast upon the Law enforcing agency to conduct appropriate enquiry upon receipt of the complaints and proceed with the same in accordance with law. Hence, the prayer as sought for by the petitioner association in the present Writ petition cannot be acceded to.

7. For the reasons aforesaid, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous petition is closed.



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(1/2)

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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

1. The State of Tamilnadu,
Rep. by its Secretary,
Home Department,
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W.M.P.Nos.1678 & 2155 of 2019

in

W.P.No.28366 of 2018

M.DHANDAPANI, J.

The present Miscellaneous petitions filed to implead the respective petitioners as proposed respondents in the main Writ petition is ordered as prayed for.

07.03.2023

(2/2)

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Note: Registry is directed to carry out the necessary amendment in the cause title.