



W.P(MD)No.10399 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.10399 of 2023

and

W.M.P(MD)Nos.9198 & 9199 of 2023

ABR.Andichamy
S/o. Ramasamy,
Thavathiru TT Sankaradass Swamikal Nadaka Nadikarkal Kuzhu,
Mammaniyur,
Komperipatty Post,
Vedasandur Taluk,
Dindigul District. ... Petitioner

Vs.

- 1.Union of India
Rep. by the Secretary,
The Ministry of Information and Broadcasting,
New Delhi.
- 2.Union of India
Rep. by The Registrar of Copyrights,
Copyright Office,
Boudhik Sampada Bhawan,
Plot No.32, Sector 14,
Dwarka,
New Delhi - 110075.



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- 3.Union of India
Rep. by The Secretary
Information and Publicity Department
Fort St. George,
Chennai.
- 4.State Rep. by
The District Collector,
Collectorate Campus,
Dindigul.
- 5.State Rep. by
The District Registrar of Societies,
Office of the District Registrar of Societies,
Palani.
- 6.State Rep. by
The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 7.State Rep. by
The Deputy Superintendent of Police,
Vedasandur,
Dindigul District.
- 8.State Rep. by
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
- 9.P.Vellaichamy
- 10.A.Mookaiah
- 11.K.Chinnamayil



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12.Alaguraja

13.Andivel

14.Pommi Naicker @ Ayyavu

15.Karipoovan @ Periyakalai

16.Sathyapriya

17.Periyasamy

18.Ganesan

19.Subramani

20.Ambika

21.Rathinam

22.Muthuvel

23.Kaliappan

24.Ramasamy

25.E.Ramasamy @ Valar

26.Periyasamy

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 4 to 8 restraining the respondents 9 to 26 from playing the drama "Shri Kaali



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Kaatha Karuppu" which has the similar name of petitioner's drama that spoils the reputation of the petitioner's drama troop and subsequently to take action against the respondents 9 to 26 for the violation and the infringement of the copyright of the petitioner's the drama story "Kaali Kaatha Karuppasamy".

For Petitioner : M/s.V.Muthumani

For Respondents : Mr.K.Govindarajan - for R1 to R3

Deputy Solicitor General of India

Mrs.D.Farjana Ghoushia - for R4, R6 to R8

Special Government Pleader

Mr.C.Satheesh - for R5

Government Advocate

ORDER

The Writ Petition is disposed of at the time of admission itself, even without issuing notice to the respondents 9 to 26.

2. The Writ Petition has been filed in the nature of a Mandamus seeking to restrain the respondents 9 to 26 from playing a



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drama, "Shri Kaali Kaatha Karuppu". The petitioner claims that the petitioner has also a drama with the same name.

3. It is the case where the petitioner's right to a trade name is being infringed, according to the petitioner, by the respondents 9 to 26. If the petitioner has a right over the dialogue in the drama, then it is squarely covered under the Copy Right Act which also includes literary work and also dramatic performances

4. The learned counsel for the petitioner may therefore, examine the same.

5. The learned Special Government Pleader had forwarded a report that the respondents had made an enquiry and have advised both the rival groups namely, the petitioner on the one hand and the respondents 9 to 26 on the other hand, to approach the competent civil Court. That would only give a permanent relief to the petitioner herein.



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6. In view of the same, a direction is issued to the petitioner to approach the competent Civil Court to assert the right over dialogue, the right over the dramatic performances, the right over the name of the drama and all other rights, which according to the petitioner, stands vested in them.

7. With the above observation, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

28.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM

To

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The Ministry of Information and Broadcasting,
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- 7.The Deputy Superintendent of Police,
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Dindigul District.
- 8.The Inspector of Police,
Vadamadurai Police Station,
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C.V.KARTHIKEYAN, J.

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