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W.P.No.32312 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32312 of 2023
and
W.M.P.No.31917 of 2023

Solaiarumugam

.. Petitioner

VS

1.The Regional Officer,
Central Board of Film Certification (CBFC)
Shastri Bhavan,
26 Haddows Road,
Chennai – 600 006.

2.Kanalarasan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a certiorarified mandamus calling for the records of the first respondent impugned Letter bearing No.DIL/61/2023-Che dated 28.08.2023 and quash the same and to direct the first respondent to issue the CBFC Certification for the film named “Kaduvetty – Nadunattukathai” in accordance with law.

For Petitioner : Mr.V.Raghavachari,
Senior Advocate
for Mr.J.N.Naresh Kumar

For Respondents : Mr.B.Rabu Manohar,
Senior Panel Counsel
for R1
No appearance for R2



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ORDER

The petitioner has challenged an order dated 28.08.2023 of R1 / Central Board of Film Certification (CBFC) to the effect that R1 is not in a position to complete certification process of the film in question, entitled "Kaduvetty – Nadunattukathai". Their inability is in view of the pendency of a suit instituted as against the petitioner by one J.G.Kanalarasan of Ariyalur District in the City Civil Court, Chennai in O.S.No.3357 of 2023.

2. There is no appearance for R2 despite the name of Mr.B.Jaihari and Ms.K.Amudhakumari being printed in the cause-list. Mr.B.Rabumanohar, learned Senior Panel Counsel, who accepts notice for R1 draws attention to the opinion of the Deputy Central Government Standing Counsel to the effect that it is not possible to issue certificate for the film in view of the pendency of the aforesaid suit.

3. However, it is an admitted position that no interim orders have been obtained by the plaintiff in the suit hence it is not correct for the respondents to proceed on the basis that the process of film certification would result in 'contempt of court' as opined by the learned counsel (see paragraph 3 of counter dated 17.11.2023).

4. Hence, impugned order dated 28.08.2023 is set aside



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and there is a direction to R1 to consider application for film certification filed by the petitioner for the film "Kaduvetty - Nadunattukathai" and pass orders after hearing the petitioner on or before 10.01.2024 as the petitioner states that he wishes to release the film in time for Pongal, 2024.

5. This writ petition stands disposed in terms of this order.
No costs. Connected miscellaneous petition is closed.

04.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Regional Officer,
Central Board of Film Certification (CBFC)
Shastri Bhavan,
26 Haddows Road,
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DR. ANITA SUMANTH,J.

ssm

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