



W.P.(MD)No.8464 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8464 of 2024

and

W.M.P.(MD)No.7660 of 2024

V.P.T.Ramaswamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.Arunachalam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of issuing C-Form/License in favour of the second respondent vide his proceedings in No.C-2/11/2022 dated 26.05.2023 and quash the same as illegal, arbitrary and thereby direct him to conduct a enquiry by providing an opportunity to the petitioner and issue C-Form/License in my favour for Sri Vellai Vinayagar Theatre, Thiruchuli based on the decision taken in the Administrative meeting of the Thiruchuli Hindu Nadar Uravin Murai Sangam dated 18.08.2017 within the time limit that may be stipulated by this Court with all service and monetary benefits.



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For Petitioner : Mr.M.Mohanasundaram
For R1 : Mr.D.Gandhiraj
Special Government Pleader
For R2 : Mr.T.Pon Ram Kumar

ORDER

This writ petition has been filed challenging the order of issuing C-Form/License in favour of the second respondent vide his proceedings in No.C-2/11/2022 dated 26.05.2023 and to direct the second respondent to conduct an enquiry by providing an opportunity to the petitioner and issue C-Form/License in favour of the petitioner for Sri Vellai Vinayagar Theatre, Thiruchuli based on the decision taken in the Administrative meeting of the Thiruchuli Hindu Nadar Uravin Murai Sangam dated 18.08.2017 within the time limit that may be stipulated by this Court with all service and monetary benefits.

2.Heard Mr.M.Mohasundaram, learned counsel for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader for the first respondent and Mr.T.Pon Ram Kumar, learned Counsel for the second respondent.

3.The case of the petitioner is that the Theater in question was established in the year 1975 by Thiruchuli Hindu Nadar Uravin Murai Sangam. Initially C-



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Form/License was in the name of the President of the said Sangam, namely S.M.Chokkalinga Nadar. After his demise, the same was transferred in the name of the Secretary, namely Jeyaratchagan. Thereafter, due to some renovation work, displaying cinemas were stopped temporarily and after some time, due to age factor the Secretary was unable to run the theater. Hence, the Secretary and the then President transferred the C-form/License in favour of the petitioner by bearing the expenses for the renovation work by way of an unregistered agreement.

4. Thereafter, there was some dispute among the members of the Sangam and as a consequence, displaying cinemas in the theater was delayed. Since the petitioner had invested a huge amount and at the request of the petitioner, the then President, namely P.Chinnarajan, transferred C-Form/License in favour of the petitioner under an unregistered agreement. Hence, the rival groups of the Sangam had started to give trouble to the petitioner, due to which cinemas were not displayed in the theater. While that being so, Jeyaratchagan, license holder died. Therefore, the petitioner made a representation dated 19.09.2022 seeking to transfer the C-Form/License in his favour. On considering the said representation, without giving an opportunity of hearing to the petitioner, the first respondent rejected the claim made by the petitioner and issued C-



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Form/License to the second respondent. Challenging the same, this writ petition is filed.

5.The learned counsel for the petitioner submitted that the then President of the Sangam had executed an agreement in favour of the petitioner with regard to the C-Form/License. Based on the same, the petitioner invested a huge amount for the renovation work of the Theater. Hence, the petitioner seeks extension of the license period that was granted by the then President. However, without considering the factual matrix, the impugned order has been passed by the first respondent in violation of principles of natural justice without giving an opportunity of hearing to the petitioner. Hence, the same is liable to be set aside.

6.The learned counsel for the second respondent submitted that originally C-Form/License was granted in the name of Jayatrachagan, Secretary of the Sangam for the period from 01.10.2009 to 30.09.2010. Every year the C-Form/License has to be renewed. However, the same was not renewed due to the pendency of some litigations with regard to the administration of the Sangam. Though the license was not renewed after 2010, the then President, who is none other than the brother of the petitioner had executed an



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unregistered document in favour of the petitioner on 07.01.2010 to run the said

theater. Thereafter, there was some dispute between the members of the Sangam with regard to the administration of the Sangam. Hence, several litigations have been filed and election for selecting the Office bearers of the Sangam was conducted at the supervision of this Court. The petitioner was settled with the amount that was spent by him in the theater and he was also agreed to hand over the theater. The petitioner has filed this writ petition by suppressing all the above facts and hence, the same is not maintainable. He further submitted that the petitioner has no right over the theater and if he has any grievance, the remedy available to the petitioner is only before the competent Civil Court.

7.The learned Special Government Pleader for the first respondent submitted that a detailed enquiry was conducted under Section 6(B) (b)(ii) of the Tamil Nadu Cinemas Regulations Act, 1955 and then orders were passed vide proceedings dated 26.05.2023 by giving license in favour of the second respondent.

8.I have perused the materials placed on record.



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9.It is the contention of the petitioner that the petitioner was granted with license from the year 2017 to 2023. Now, the petitioner seeks a direction to the respondent to extend the said license period. Whereas the learned counsel for the respondents would submit that the petitioner has never been given any license and taking advantage of the dispute in the cinema theater, he has entered into an unregistered agreement with one of the rival group and based on the same, the petitioner has filed this writ petition.

10.On perusal of the affidavit filed in support of this writ petition, this Court is of the view that even assuming that the petitioner was given with license for certain period, when the license period is over and when the owner of the theater is not willing to extend the license period in his favour, as a matter of right, the petitioner as a lessee or licensee cannot dictate terms to the owner to renew license. Admittedly, in this case, no documents whatsoever are available to show that the petitioner is actually given with license or lease.

11.The authorities only after taking note of all the above facts and also the dispute among the members of the Sangam have rightly passed the order impugned in this writ petition and hence, the petitioner, by taking advantage of some disputes among the members of the Sangam and without establishing his



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claim by producing valid documents, cannot claim right over the Theater on the basis of an unregistered agreement said to have been executed in the year 2017 by one of the rival member.

12. Such view of the matter, I do not find any merits in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

The District Collector,
Virudhunagar District,
Virudhunagar.



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N.SATHISH KUMAR, J.

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