



W.A(MD)No.1708 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.10.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A(MD)No.1708 of 2024  
and  
CMP(MD)No.13140 of 2024**

Ma.Vetrivel

... Appellant

vs.

1. The District Collector,  
Thanjavur District,  
Thanjavur.

2. The Commissioner,  
Thanjavur Municipal Corporation,  
Thanjavur.

3. The Assistant Director,  
Directorate of Town and Country Planning,  
Thanjavur District,  
Thanjavur.

4. The Revenue Divisional Officer,  
Thanjavur District,  
Thanjavur.

... Respondents

**Prayer :** Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.13729 of 2024, dated 01.07.2024.



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For Appellant

: Mr.Mahaboob Athiff  
for Mr.R.Velmurugan

For R1, R3 & R4

: Mr.P.T.Thiraviam  
Government Advocate

For R2

: Mr.N.Dilip Kumar  
Standing Counsel

### **JUDGMENT**

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in the Writ Petition was to the proceedings of the District Collector, Thanjavur District, dated 10.06.2024, in and by which, the District Collector refused location approval for setting up a permanent Cinema Theatre in the Muthamizh Arignar Mu.Karunanithi Maanaatu Arangam (Convention Centre), Thanjavur, put up by the second respondent / Thanjavur Municipal Corporation.

2. The appellant was the successful bidder for the leasehold rights of the said Convention Centre and he was granted a lease for a period of three years. An agreement to that effect was entered into on 10.11.2023. When the appellant applied for permission to locate the Cinema Theatre in the said Arangam, the same was objected to by the Thanjavur Municipal Corporation on various grounds. The objections raised by the Thanjavur Municipal Corporation were the primary grounds for rejection of the approval by the District Collector.



3. This Court found that none of the objections were sustainable. The

Writ Court in Paragraph 10 of the order held as follows:-

*"10. I hold that the second respondent is not justified in raising the objections. The Corporation is a state instrumentality. It must exhibit fairness in all its dealings. It cannot conduct itself as a private landlord. Having received a huge amount from the petitioner, the Corporation cannot put spokes in the wheel. In this view of the matter, the impugned order is set aside. The matter is remitted to the file of the first respondent. The first respondent will bear in mind all the other relevant factors and pass an appropriate order within a period of four weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs."*

4. The Writ Court, however, directed the District Collector to pass orders on the application afresh in view of the fact that he is a statutory authority to issue Form – B under the Tamil Nadu Cinemas (Regulation) Rules, 1957.

5. The appellant filed an appeal against the said order primarily contending that the order of remand was not justified. This appeal gave the cushion for the District Collector to sit over the decision and postpone the issue. When the appeal came up before us earlier, we had required the Commissioner of Thanjavur Municipal Corporation to be present in person. He



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appeared before us on 25.09.2024 and on that day, he had agreed not to raise an objection regarding non-registration of the lease deed. Surprisingly, the District Collector, had, on 23.09.2024, issued a notice to the Commissioner inviting objections. This, according to us, would amount to disobedience with the orders of this Court.

6. When this Court had specifically overruled the objections raised by the Commissioner, Thanjavur Corporation and directed the District Collector to decide the matter on merits, the District Collector had no business to send the notice to the Commissioner inviting objections.

7. We, therefore, direct the District Collector to pass appropriate orders within a period of 10 days from today. The District Collector shall not wait for any objections from the Corporation or take note of any objections that may be received, in view of the fact that this Court had held that the Corporation has no right to object and that order has not been challenged by the Corporation. If orders are not passed within 10 days, there will be a deemed approval in the light of Rule 36 of the Tamil Nadu Cinemas (Regulation) Rules, 1957.



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8. The Writ Appeal is allowed with the above directions. No costs.

Consequently, connected Miscellaneous Petition is closed.

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(R.S.M, J.) (S.M., J.)  
22.10.2024

Index : Yes / No

Neutral Citation : Yes / No

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**Note:-** Issue order copy on **23.10.2024**.

To

1. The District Collector,  
Thanjavur District,  
Thanjavur.

2. The Commissioner,  
Thanjavur Municipal Corporation,  
Thanjavur.

3. The Assistant Director,  
Directorate of Town and Country Planning,  
Thanjavur District,  
Thanjavur.

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**R.SUBRAMANIAN, J.**  
**and**  
**SUNDER MOHAN, J.**

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**JUDGMENT MADE IN**  
**W.A(MD)No.1708 of 2024**  
**DATED : 22.10.2024**