



WEB COPY

W.A.No.80 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.No.80 of 2025
and
C.M.P.No.460 of 2025

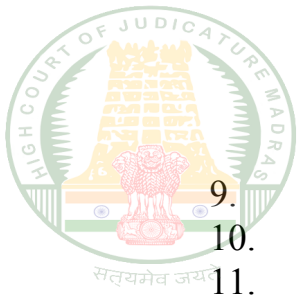
1. Sankaranarayanan
2. S.Arumugam ... Appellants
Vs.

1. The Principal Secretary,
Government of Tamilnadu Home (Cinema) Department,
Secretariat, Fort St.George,
Madras – 600 009.

2. The Principal Secretary Cum
Additional Commissioner, (Cinema and Irrigation)
Land and Administrative Department,
Chepauk, Chennai – 600 005.

3. The District Collector,
Office of District Collector,
Madurai District,
Madurai – 625 020.

4. S.Karunakaran
5. Meena
6. Subashchandra Bose
7. S.Balasundaram
8. S.Sivasankaran



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9. Rajammal
10. Soundara Rajalakshmi
11. Somasundaram
12. S.Shanmugam
13. Shanmugasundari
14. Saraswathy
15. Vijayalakshmi
16. Soundara Kalyani
17. Nellainayagam
18. P.Meenakshi
19. Marudhupandian

[R19 impleaded as respondent *vide* court order dated 24.02.2025 in C.M.P.No.1967 of 2025 in W.A.No.80 of 2025 by SMSJ & KRSJ] ... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 24.10.2024 in W.P.No.30420 of 2012.

For Appellants : Mr.M.Solaisamy

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader
for R1 to R3

: Mr.T.M.Pappiah for R4

: Mr.M.Dinesh for R19

J U D G M E N T

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

Considering the narrow scope of the writ appeal, the matter has been taken up for final hearing with the consent of all the parties.



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2. Under assail is the order dated 24.10.2024 passed in W.P.No.30420 of 2012.

3. Admittedly, Partition Suit in O.S.Nos.619 of 2011 and Suit for Permanent Injunction in O.S.No.860 of 2011 on the file of the I Additional Sub Court, Madurai are subjudice.

4. During the pendency of the civil suits, the appellants have filed an application seeking license to run Balan Talkies (Cinema Theatre). The competent Authority rejected the application on the ground that the rights between the legal heirs are not crystallized and one of the legal heirs has raised an objection for grant of license. Thus, the Authority had relegated the parties to resolve the dispute through civil Court of Law and approach the Authority for obtaining license. An appeal was filed before the Government, which was rejected. Thereafter, the revision filed by one Mr.S.Arumugam was also rejected by the Government *vide* G.O. [2D] No.341, Home (Cinema) Department dated 12.10.2012. The Government afforded opportunity to all the parties. Personal hearing opportunities were also



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granted by the Government to the parties. The findings of the Government reveals that the title and possession over the property is disputed and the matter is pending before the civil Court of competent jurisdiction. As per Rule 123(C) of Tamil Nadu Cinemas(Regulation) Rules, 1957 in case of an application made by one of the legal heirs of the licensee, the applicant shall send the consent statement obtained from all other legal heirs for the transfer or assignment of the license as the case may be in his or her favour.

5. Therefore, the Government has not considered the application for want of consensus and consent amongst all the legal heirs. That being so, we do not find any perversity in respect of the findings made by the writ court in the order impugned.

6. The competent Authorities are not empowered to adjudicate the civil disputes existing between the parties. Therefore, the parties are at liberty to resolve the civil dispute before the competent civil Court of law and after reaching finality or after arrival of consensus between the legal heirs submit an application seeking for a license.



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In the result, the Writ Appeal stands **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

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[S.M.S,J.] [K.R.S,J.]

24.02.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

1. The Principal Secretary,
Government of Tamilnadu Home (Cinema) Department,
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Madras – 600 009.
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Additional Commissioner, (Cinema and Irrigation)
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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