



W.A.No.94 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.01.2026
DELIVERED ON : 27.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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and C.M.P.No.821 of 2026

1. Central Board of Film Certification
Films Division Complex,
Phase-I Building, 9th Floor,
Dr.G.Deshmukh Marg,
Mumbai - 400 026.

2. The Regional Officer
Central Board of Film Certification,
No.35, Haddows Road,
Shastri Bhavan, Chennai - 600 006.

Appellants

Vs

KVN Productions LLP
Rep. by its Authorized Signatory,
Venkata Narayana Konanki
Door No.9, Ranjit Road,
Kotturpuram, Adayar,
K.B.Dasan Road, Alwarpet,
Chennai - 600 020.

Respondent



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PRAYER: Appeal under Clause 15 of the Letters Patent against the order dated 9.1.2026 passed in W.P.No.380 of 2026 by the learned Single Judge.

For Appellants: Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.A.R.Sakthivel
Senior Panel Counsel

For Respondent: Mr.Sathish Parasaran
Senior Counsel &
Mr.Pradeep Kumar Rai,
Senior Counsel
for Mr.Vijayan Subramanian

JUDGMENT

THE CHIEF JUSTICE

Through this instant intra-court appeal, the appellants seek to assail the correctness and validity of the order dated 9.1.2026 passed by the learned Single Judge in W.P.No.380 of 2026 and W.M.P.No.445 of 2026, whereby the writ petition has been allowed by setting aside the decision to refer the film "*Jana Nayagan*" to the Revising Committee for want of jurisdiction and issuing a mandamus to the second appellant herein to issue the certification as contemplated under Rule 27(1) of the Cinematograph (Certification) Rules, 2024, taking note of the excisions submitted in



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Form IX on 24.12.2025 forthwith and in tune with Rule 37(6) of the Rules.

2.1. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing on behalf of the appellants, argued *in extenso* and contended that the impugned order has been passed without issuing any notice to the appellants, much less any opportunity whatsoever afforded to file their reply/counter affidavit refuting the grounds raised in the writ petition.

He would submit that the writ petitioner/respondent herein filed the writ petition on 6.1.2026, which was taken up for hearing on that very day, and the counsel for the appellants was directed to produce the records on the next day. On the next day, i.e., 7.1.2026, the records produced before the court were perused and the case was reserved for orders. Within such a short time, it was practically impossible for the appellants to have filed their counter-affidavit to oppose the relief sought in the writ petition. No time was granted to rebut the allegations of fact contained in the writ petition and without having granted an opportunity, the learned Single Judge proceeded, based on the asseverations made in the



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writ petition, treating them as admitted facts of the case.

Therefore, it is contended that the order is in blatant violation of the principles of natural justice and is only on that count the order is liable to be set aside.

2.2. The second limb of submission made by learned Additional Solicitor General of India is that, even before the writ petition was filed, on 5.1.2026, a decision was taken by the Chairperson in exercise of his powers under Rule 25 of the Rules to refer the matter to the Revising Committee constituted for the purpose. The respondent herein, however, did not choose to challenge the correctness and validity of that order, nor any writ of certiorari was sought calling into question the legality of the said decision.

He further contended that the issue as to whether the Chairperson has the power, in the facts and circumstances of the case, to refer the matter to the Revising Committee could be decided only after affording opportunity of hearing, that too, if the respondent herein had sought writ of certiorari and quashment of the decision taken by the Chairperson.



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In the absence of there being any challenge to the legality and validity of the decision taken by the Chairperson, the writ petition seeking issuance of writ of mandamus was not at all maintainable. The course open for the respondent was to seek writ of certiorari by suitably amending its writ petition or seeking liberty to file fresh writ petition to challenge the decision of the Chairperson to refer the matter for examination of the Revising Committee. The respondent having not chosen to do so, the writ petition, in its present form, was liable to be dismissed.

2.3. He would further submit that the learned Single Judge has wrongly invoked the power of “moulding relief” contrary to settled principles. Therefore, the impugned order is vitiated on account of procedural fairness, violation of principles of natural justice and, at the same time, results in miscarriage of justice.

2.4. He would also submit that there was no occasion for the learned Single Judge to go into the legal issues raised in the writ petition without giving reasonable opportunity of filing reply in defence. According to him, the case was listed on 7.1.2026 for



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production of records and not even for hearing, much less for filing of reply. No formal notice was issued. Therefore, it is contended that, viewed from any angle, the impugned order is unsustainable in law.

2.5. He would submit that had proper opportunity of hearing been afforded, appropriate reply would have been filed to submit that it was open to invoke jurisdiction under Rule 25 of the Rules before issuance of certificate for exhibition of the film on the basis of material placed before the Chairperson justifying invocation of *suo motu* power of reference to the Revising Committee for its opinion.

2.6. It is further submitted that the respondent, without there being any certificate in its hand, proceeded to declare the date of release of the film on 9.1.2026 and created a false emergency to seek a decision even without issuance of formal notices and reply filed. He hastened to add that the learned Single Judge ought not to have proceeded to decide the case on merits on the day when the case was listed for production of records alone and that the



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appellants were taken by surprise.

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2.7. Referring to the Madras High Court Writ Rules, 2021 delineating the procedure to be followed in the matter of issuance of notice of motion or Rule Nisi, it is submitted that those Rules, which were meant to ensure that proper opportunity of hearing is given to the other party before a decision is taken on an issue, were given a complete go-by.

2.8. In support of his contentions, learned Additional Solicitor General of India has placed heavy reliance on the following decisions of the Apex Court:

- (i) *X v. O/O Speaker of the House of People and others*¹; and
- (ii) *Union of India v. Manjurani Routray*².

3.1. Per contra, learned Senior Counsel appearing for the writ petitioner/respondent herein submits that the order passed by the learned Single Judge advanced the cause of justice, as the decision to refer the film to the Revising Committee in purported exercise of

¹2026 INSC 65

²(2023) 9 SCC 144



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power under Rule 25 of the Rules was *per se* illegal.

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3.2. True it is that the case was decided on the very next date of filing and reply may not have been filed by the appellants, but, at the time of argument on 7.1.2026, the appellants had the opportunity to make their submissions and, in fact, such submissions were made to oppose the relief sought in the writ petition, including other grounds of technical nature that the decision of the Chairperson to refer the film to the Revising Committee was not challenged by seeking any amendment in the writ petition praying for issuance of writ of certiorari to quash such decision. Therefore, it is submitted that the appellants cannot plead violation of principles of natural justice.

3.3. It is contended that the learned Single Judge, in the facts and circumstances of the case and taking into consideration that huge investment had already been made in purchasing rights for screening on 9.1.2026 in legitimate expectation of issuance of certificate of exhibition upon receipt of an earlier communication dated 22.12.2025, has rightly exercised extraordinary jurisdiction



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as constitutional court to render justice and save the respondent herein from huge financial loss.

3.4. It is further submitted that the records were called and were closely scrutinized by the writ court. The findings are based on the facts which emerged from the records, which could not be disputed by the appellants even if they were granted time to file counter affidavit. The case essentially was based on singular legal issue which was considered in detail and after hearing both sides, the order was passed. In the absence of any prejudice, only on the ground that the writ petition was decided within two days or that technically speaking time was not granted to file counter affidavit, the appellants would not be entitled to any relief, as whatever could be submitted had already been submitted at the time of argument before the writ court.

3.5. It is also contended that issuance of certificate for exhibition was only a ministerial act and, as a matter of fact, the Board has already taken a decision subject to certain excisions, which was duly communicated to the respondent herein vide



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communication dated 22.12.2025. Once that stage was reached, the power under Rule 25 of the Rules to refer the matter to the Revising Committee was no longer available in the garb of exercise of *suo motu* power merely because one of the members has raised a complaint.

3.6. The power of “moulding relief” was correctly invoked by the writ court relying upon many authoritative pronouncements of the Supreme Court to advance the cause of justice and, therefore, submissions based on technicalities are liable to be rejected, once the decision on merits is found to be in accordance with law.

3.7. To fortify the said submissions, in addition to the judgments of the Supreme Court as referred to and relied upon by the writ court, learned Senior Counsel for the respondent has placed reliance upon the following decisions:

(i) *State of Uttar Pradesh v. Sudhir Kumar Singh and others*³; and

(ii) *State of Madhya Pradesh v. Syed Qamarali*⁴,

³(2021) 19 SCC 706

⁴1961 SCC OnLine SC 9



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Reliance is also placed on the Recommendations of the Standing Committee on Communications and Information Technology in the matter of Digitization/Online Certification System – ‘E-Cinepramaan’.

4. We have heard learned counsel on either side and bestowed our anxious consideration to the submissions advanced and the authorities relied upon.

5. What is discerned from perusal of the records of the writ petition is that the writ petitioner/respondent herein applied for grant of certification for exhibition of its film before the Central Board of Film Certification (CBFC) on 18.12.2025. Thereafter, an email communication was sent to the respondent on 22.12.2025 requesting the respondent to carry out given excisions/modifications so that the film may be sanctioned for unrestricted public exhibition, after verifying that the excisions are in order. Even though it did not follow issuance of any censor certification in terms of the provisions of law, it appears that the respondent, in



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anticipation, had decided to screen the film "Jana Nayagan" on 9.1.2026.

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6. Pending certification of the film, an internal e-mail communication dated 29.12.2025 was sent by the CEO, CBFC to the Regional Officer, CBFC, Chennai, stating that complaints were received against the certification of the film owing to its narrative content and, therefore, the certification process be kept on hold by the Regional Office.

7. The respondent sent an email communication dated 5.1.2026 to the appellants stating that they are still awaiting the provision to upload the final script with audio description and closed captioning. It is further stated therein that once the CBFC certificate is granted, they will proceed with the application under Rule 33 of the Rules and that they would be applying for CBFC certificates in other languages – Telugu, Hindi and Kannada.

8. In continuation of the earlier email communication dated 29.12.2025 of the CEO, CBFC addressed to the Regional Officer,



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CBFC, Chennai, two e-mail communications were made by the CEO, CBFC to the Regional Officer, CBFC, Chennai as under:

(a) Email sent on 5.1.2026 at 14:48:11 hours, wherein it is stated that in connection with the Tamil film titled "Jana Nayagan" [Tamil with English Subtitles], in view of the complaints received against its narrative content and the comments along with the brief synopsis submitted by the Regional Officer, the competent authority under Rule 24 of the Rules has decided that the film should be reviewed by a wider committee, i.e., the Revising Committee, and the Regional Officer was directed to communicate/inform the respondent immediately that the film has been referred to the Revising Committee.

(b) Vide email sent on the same day at 4:55:05 PM, the CEO, CBFC, informed the Regional Officer, CBFC, Chennai, that whenever a Revising Committee is convened for the film "Jana Nayagan" [Tamil with English subtitles], a representative from the Ministry of Defence shall be included in the screening as an expert.

9. In compliance with the above, on 6.1.2026, the Regional Officer, CBFC, Chennai, informed the Authorised Signatory of the



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respondent, viz., Venkata Narayana Konanki, that the film has been referred by the Chairperson, on his own, to the Revising Committee under Rule 25(1) of the Rules, superseding earlier communication dated 22.12.2025. It further stated that the date, time and place of examination of the film shall be intimated in due course.

10. The respondent herein filed the writ petition on 6.1.2026, stating, *inter alia*, that it received an email on 5.1.2026 from the Regional Officer stating that the competent authority has decided to refer the film to the Revising Committee under Rule 24 of the Rules due to complaint received on the content (hurting religious sensibilities and portrayal of armed forces). According to the respondent, as stated in paragraph 10 of the affidavit filed in support of the writ petition, the Regional Officer had verified the modifications on 29.12.2025 and informed the respondent that the film would be granted UA 16+ certification. However, there is no document placed on record in the writ petition by the respondent herein to the effect that such communication in writing was sent to it.



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11. The decision taken by the Chairperson in exercise of *suo motu* power under Rule 25 of the Rules to refer the film for examination by the Revising Committee was also known to the respondent herein on the day when the writ petition was filed, which is clear from the averments made in the writ petition itself. Thus, the decision taken by the competent authority on 5.1.2026, which was communicated to the Regional Officer on that day itself for onward communication to the respondent herein, was fully known to the respondent on the date of filing of the writ petition. However, the respondent did not choose to challenge the decision of the Chairperson of CBFC to refer the film to the Revising Committee in exercise of statutory power under Rule 25 of the Rules, though in the affidavit filed in support of the writ petition, it was stated that the said communication does not disclose the identity of the complainant and, therefore, the re-opening of the certification process is arbitrary and not in accordance with law.

12. In the entire body of the writ petition, the respondent herein did not pray for quashing the decision taken by the Chairperson of the CBFC to refer the film for examination of the



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Revising Committee. The relief sought in the writ petition was as below:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction more particularly in the nature of a WRIT OF MANDAMUS, directing the Respondents to grant Censor Certificate in the name of the Petitioner being the producer of the film 'JANA NAYAGAN' under UA 16+ category, as per the 2nd Respondent communication dated 24.12.2025, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice."

It is apparently clear that the respondent had only sought a writ of mandamus. The respondent herein did not challenge either the decision of the authority exercising *suo motu* power under Rule 25 of the Rules, or the communication dated 5.1.2026 of the Regional Officer. Even though the said communications were within the knowledge of the respondent herein, it did not seek issuance of a writ of certiorari or certiorarified mandamus.

13. It appears that the respondent herein, in anticipation of



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issuance of censor certification, had declared the screening date as 9.1.2026. It rushed to the court on 6.1.2026 itself by way of a writ petition, which was half-baked and without laying challenge to the decisions and communications within its knowledge, raising a plea as if the appellants herein were guilty of inaction and nothing was done after a decision was allegedly taken to grant censor certification on 22.12.2025.

14. The writ petitioner/respondent herein, upon filing of the writ petition, sought emergent orders by stating that they already decided to screen the film on 9.1.2026 and, therefore, the relief may be granted betimes. It is to be noted that the respondent had proceeded to declare the release date of the film without there being any certificate in its hand, whereas the matter had remained pending consideration before the authorities at various stages of proceedings.

15. The records of the writ petition show that upon filing of the writ petition on 6.1.2026, the same was taken up for hearing on that very day and posted on 7.1.2026 at 2.15 pm for production of



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records.

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During the course of the argument, learned Additional Solicitor General of India stated that he was informed to appear before the court and when he appeared before the court on 6.1.2026, he was required to produce the records on the next day at 2.15 pm. On the next day, when the records were produced, the petition was heard and reserved for orders. Neither a formal notice was issued to the appellants herein, much less any opportunity was granted to file counter affidavit in the writ petition. The statement of learned Additional Solicitor General that without affording reasonable opportunity of hearing and granting time to file counter affidavit the writ petition was heard by the writ court has to be accepted.

16. Learned Additional Solicitor General has referred to the Madras High Court Writ Rules delineating the procedure for disposal of writ petitions, which requires notices to be issued. When provisions are in place and the procedure has been silhouetted in the Writ Rules, we are of the firm view that the writ court could not have proceeded to hear the matter without giving reasonable



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opportunity to the appellants, who had taken the decision to refer the matter to the Revising Committee. We are constrained to observe that the appellants were not afforded proper opportunity of hearing.

17. Along with the writ petition, no communication dated 29.12.2025 was placed on record by the respondent in support of its averment in paragraph 10 that they were informed by the second appellant herein that they had verified the modifications on 29.12.2025 and that the film would be granted certification. We could not find any such document on the records of the writ petition. It is on this assertion of fact, which has been treated as admitted, that the learned Single Judge has proceeded to decide the legal issue.

18. As a matter of fact, on 29.12.2025, a communication was sent by the CEO, CBFC to the Regional Officer, CBFC, Chennai, informing that in view of complaints against the certification of the film owing to its narrative content, the certification process may be kept on hold by the Regional Office. This communication was



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followed by two email communications dated 5.1.2026 sent by the CEO, CBFC to the Regional Officer, Chennai, and another email communication dated 6.1.2026 sent to the respondent herein by the Regional Officer, Chennai.

19. The respondent has admitted in the writ petition that the second appellant, by email dated 5.1.2026, informed that a decision was taken by the authority to refer the film for examination by the Revising Committee.

20. Three documents, namely (i) Email communication dated 29.12.2025; (ii) Email communications dated 5.1.2026; and (iii) Communication dated 6.1.2026 sent by the Regional Officer to the respondent herein, were placed on record on 7.1.2026, as directions were to produce records. On 7.1.2026, the records which were received from the Regional Office were also placed before the writ court and the hearing was closed.

21. From the facts borne out from the records of the case, it is clear that reasonable opportunity of hearing was not afforded to the



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appellants. The writ petition was filed on 6.1.2026; records were directed to be produced on 7.1.2026; and the case was heard. The order passed on 6.1.2026 by the writ court shows that the case was directed to be listed on the next day for production of records and not for final hearing, much less for filing of reply/counter-affidavit. Therefore, we are of the view that without granting the appellants any opportunity of filing reply in defence, the writ court proceeded to hear and allow the writ petition. The order, therefore, lacks procedural fairness and violates the principles of natural justice.

22. The other submission of learned counsel for the appellants that even though the Chairperson, CBFC, in exercise of his *suo motu* powers, had taken a decision to refer the film for examination of the Revising Committee and the said decision was communicated to the respondent immediately thereafter, the said communication was not challenged by the respondent, has considerable force.

If we go through the affidavit filed by the respondent in the writ petition, it is clear that before filing the writ petition, the respondent had received the communication regarding the decision taken to refer the film for examination of the Revising Committee.



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This is clear from the averments made in paragraph (16) of the writ affidavit, relevant extract of which is being reproduced herein below:

"16. It is respectfully submitted that, after having recommended the grant of 'UA 16+' certification to the film 'Jana Nayagan' and after the Petitioner had complied with all excisions and modifications as directed, the second Respondent, by email dated 05.01.2026, unexpectedly communicated that the film was being referred to a Revising Committee under Rule 24 of the Cinematograph (Certification) Rules on the basis of an alleged complaint."

However, the respondent, for the reasons best known to it, did not pray for issuance of writ of certiorari to quash the decision taken by the Chairperson, CBFC, to refer the film for examination of the Revising Committee.

23.1. The legal position as regards the effect of not challenging a decision was considered by Their Lordships in the Apex Court in a recent judicial pronouncement in the case of *X v. O/O Speaker of the House of People and others* (supra). Repelling the contention that the order of the Deputy Chairman is non-est



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and, therefore, the clock must be put back to explore a meeting of minds of the Presiding Officers of the two Houses for constitution of a Joint Committee, the Apex Court was observed thus:

"38. Acceptance of Mr. Rohatgi's argument would essentially require us to not only examine the legality, propriety and/or correctness of the decision of the Deputy Chairman but to quash the same."

23.2. In the said decision, the question as to whether a court can quash an order without the same being subjected to challenge was examined with reference to settled legal position as adumbrated in several earlier decisions of the Supreme Court, as below:

"39. The question as to whether a court can quash an order without the same being subjected to challenge came up for consideration in Hindustan Petroleum Corpn. Ltd. v. Sunita Mehra, (2001) 9 SCC 344. This Court held:

'3. The short question that arises for consideration in this case is whether there being no challenge to the order of eviction passed by the Estate Officer under the Act, in the writ petition was the High Court



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justified in setting aside that order in appeal. It was urged that after the order of eviction was passed the writ petition was not amended by challenging the order of eviction passed by the Estate Officer. No ground as regards its invalidity was also stated. It is not disputed that the writ petition was not amended after the order of eviction was passed by the Estate Officer. Even in the letters patent appeal, the order of eviction was not made to form part of the records of the case and under such circumstances the Division Bench of the High Court was not legally justified in setting aside the order dated 24-2-1982 passed by the Estate Officer. Consequently, the appeal succeeds and is allowed. There shall be no order as to costs.'

40. We are in agreement with the aforesaid view. If an order has been passed to the prejudice or detriment of a suitor and such suitor seeks to have the order declared invalid and quashed in writ proceedings, it is imperative that he lays the order to a challenge, makes specific averments and urges cogent legal grounds to demonstrate its invalidity to



enable him claim relief based thereon. This is required to serve as a notice to the opponent as to what are the grounds likely to be urged based whereon the suitor would seek to have the order quashed. Unless the opponent is put to notice, he cannot, perhaps, by projecting his own imagination discover all that may be in the contemplation of the suitor to be used and established against the opponent. Once put to notice, the opponent is entitled to raise an effective defence in support of the order under challenge to persuade the court not to quash it. This is a very basic rule of essential justice, which serves twin purposes: (i) of abortion of any attempt to spring surprises at the hearing; and (ii) prevention of miscarriage of justice.

41. In Chandigarh Administration v. Laxman Roller Flour Mills (P) Ltd., (1998) 8 SCC 326, this Court succinctly enunciated as follows:

'4. A perusal of the relief extracted above shows that the writ petitioner respondent never asked for any relief in the writ petition commanding the Chandigarh Administration to issue completion certificate in its favour. Learned counsel for the respondent frankly stated that there is no allegation in the writ



petition to the effect that Chandigarh Administration has illegally withheld the completion certificate. It is settled law that unless the allegations are made in the writ petition and a relief to that effect is also prayed for in the writ petition, the High Court is not justified in issuing any order in excess of the relief prayed for in the writ petition. We are, therefore, satisfied that in the absence of pleading and prayer in the writ petition, the High Court fell in error in issuing directions to the appellant to issue completion certificate to the writ petitioner respondent. In such circumstances, we set aside the order of the High Court to the extent it directs the Chandigarh Administration to issue completion certificate to the writ petitioner-respondent. The appeal is thus allowed. There shall not be any order as to costs.'

42. What has been laid down in Sunita Mehra (supra) and Chandigarh Administration (supra) in relation to exercise of writ power under Article 226 of the Constitution would equally extend to exercise of similar powers under Article 32.



43. A profitable reference may be made in this regard to the decision of this Court in *Amina Marwa Sabreen v. State of Kerala*, (2018) 14 SCC 193, as far as exercise of writ jurisdiction under Article 32 is concerned. Relevant paragraphs from such decision read as follows:

'14. Reverting to the preliminary objections raised by the respondent State, as already mentioned above, there is no reference to the G.O. in the entire writ petition. This document is not even part of the writ petition. Therefore, there are no foundational facts and/or pleadings in the writ petition challenging this G.O. as unconstitutional. More importantly, there is no prayer in the writ petition seeking quashing of this G.O. Even when the learned counsel for the State had pointed out fundamental infirmity in the writ petition, no attempt was made by the petitioners to amend the writ petition so as to incorporate challenge to the said G.O. as well. In the absence of any pleadings and the prayer seeking quashing of the said G.O., it is not permissible for the petitioners to seek a relief by making oral submissions in this



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behalf.

15. For the aforesaid reasons, we dismiss the writ petition on the ground of maintainability only as we do not deem it necessary to go into the issue on merits for lack of pleadings as well as requisite prayers in this behalf. No costs.”

23.3. Having considered its earlier decisions, it was then observed thus:

“44. Tested on this anvil, the petitioner’s grievance plainly cannot be addressed. In the absence of any challenge to the decision of the Deputy Chairman, we find no reason to outlaw it.

45. It is trite that writ jurisdiction is exercised to test the legality of an existing order, and not to grant relief on the hypothesis that another authority ought to have acted differently...”

24. In view of the aforesaid decision of the Supreme Court, the settled legal position is that the opponent is entitled to raise an effective defence in support of the order under challenge to



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persuade the court not to quash it and this is not merely a rule of technicality, but an essential rule which serves twin purposes: (i) of abortion of any attempt to spring surprises at the hearing; and (ii) prevention of miscarriage of justice.

25. The position is lucid beyond any doubt that merely making certain allegations is not enough, but it should follow prayer for appropriate relief in the petition. Unless the decision taken by the Chairperson, CBFC, to refer the film for examination of the Revising Committee was challenged, there was no occasion for the writ court to go into the legality and validity of the same.

It is not a case where the orders were passed after filing of the writ petition. The decision was taken even prior to filing of the writ petition and it was also communicated to the respondent prior to the filing of the writ petition. If that be so, in our view, the writ petition itself was not maintainable without seeking appropriate relief of quashing the decision taken by the Chairperson, CBFC.

26. Learned Senior Counsel for the respondent has placed heavy reliance on various judgments relied upon by the learned



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Single Judge and some other judgments, which we shall deal with now.

27. The submission of the appellants that without seeking to quash the order dated 6.1.2026, the respondent could not seek the issue of certification was repelled by the writ court on the finding that the order was without jurisdiction. This approach by the writ court was fundamentally flawed.

As to whether the writ petition was maintainable or not for want of appropriate relief to quash the communication dated 6.1.2026, which merely communicated the decision, even without challenge to the decision itself which was taken on 5.1.2026, was required to be decided first before proceeding further to entertain the writ petition on merits, in view of the settled legal position that when an objection to maintainability of writ petition is raised, the same is to be decided first. In this regard, it is apposite to refer to a decision of the Supreme Court in the case of *National Highways Authority of India v. Ganga Enterprises*⁵, wherein it is held as under:

⁵(2003) 7 SCC 410



"6. The respondent then filed a writ petition in the High Court for refund of the amount. On the pleadings before it, the High Court raised two questions viz.: (a) whether the forfeiture of security deposit is without authority of law and without any binding contract between the parties and also contrary to Section 5 of the Contract Act; and (b) whether the writ petition is maintainable in a claim arising out of a breach of contract. Question (b) should have been first answered as it would go to the root of the matter. The High Court instead considered Question (a) and then chose not to answer Question (b). In our view, the answer to Question (b) is clear. It is settled law that disputes relating to contracts cannot be agitated under Article 226 of the Constitution of India. It has been so held in the cases of *Kerala SEB v. Kurien E. Kalathil*, (2000) 6 SCC 293; *State of U.P. v. Bridge & Roof Co. (India) Ltd.* (1996) 6 SCC 22, and *Bareilly Development Authority v. Ajai Pal Singh*, (1989) 2 SCC 116. This is settled law. The dispute in this case was regarding the terms of offer. They were thus contractual disputes in respect of which a writ court was not the proper forum. Mr Dave, however, relied upon the cases of *Veriganto Naveen v. Govt. of A.P.*, (2001) 8 SCC 344 and *Harinder Singh Arora v. Union of India*, (1986) 3 SCC 247. These, however, are cases where the writ court was enforcing a statutory right or duty. These cases do



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not lay down that a writ court can interfere in a matter of contract only. Thus on the ground of maintainability the petition should have been dismissed.”

28. Reliance on the decision of the Apex Court in the case of *State of Uttar Pradesh and others v. Dinesh Singh Chauhan*⁶ is also misplaced in law. That was a case where the High Court invited parties to advance arguments on the validity of the government order before passing the final order.

In the present case, as observed herein above, there was hardly any opportunity given to the appellants to put forth their case before the court. When the records were produced on 7.1.2026, the writ petition itself was heard to the utter surprise of the appellants. Ostensibly, there was no occasion for the appellants to make their submissions in detail, after a prepared defence with proper instructions.

The submissions which have been recorded in the order are those which were made before the writ court on 7.1.2026, as the appellants were left with no option but to make whatever submissions they could make, as the court instantaneously

⁶(2016) 9 SCC 749



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proceeded to finally hear the matter without giving any opportunity to file reply. As a matter of fact, the order sheet shows that 7.1.2026 was the date fixed for production of records and not for hearing.

29. Reliance was placed on the decision in the case of *Vashist Narayan Kumar v. State of Bihar and others*⁷, to quash the decision to refer the film for examination of the Revising Committee by observing that the writ court has power to mould the relief and justice cannot be forsaken on the altar of technicalities.

That was a case where the petitioner submitted his educational certificates/mark sheet as well as his caste certificate for document verification. On 11.6.2018, the final results declared him as having failed. The only reason was that while in the application form uploaded online, his date of birth was shown as 8.12.1997, in the school mark sheet, his date of birth was reflected as 18.12.1997.

The question that was considered in the said decision was as to whether the error committed in the application form, which was

⁷(2024) 11 SCC 785



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uploaded, was a material error or a trivial error and whether the candidate was rightly declared as having failed on account of such error.

The Supreme Court came to the conclusion that the error was not a material, but a trivial error, which did not play any part in the selection process. Having so considered the peculiar facts and circumstances of the case, the Apex Court issued direction for appointment, even though no prayer was made seeking quashment of the result declared on the website that the petitioner therein had failed.

As it clear from paragraph (25) of the said decision, it was on the peculiar facts and circumstances of the case and not as a general proposition of law of universal application that the relief was granted by the Apex Court. That was a case of exception to general rule.

The said decision cannot be applied in a case like the present one, where there is no prayer for quashment of the decision taken by the Chairperson, CBFC, in purported exercise of powers under the law.

However, the principle of law succinctly stated and iterated in



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the recent decision of the Supreme Court in *X v. O/O Speaker of the House of People and others* (supra) would be squarely applicable to the case in hand.

30. Reliance placed by the respondent on the decision of the Supreme Court in the case of *State of Madhya Pradesh v. Syed Qamarali* (supra) is also misplaced on facts and law. On the finding that the order of dismissal had no legal existence and, therefore, it was not necessary for the respondent therein to have the order set aside by a court, relief was granted. Again, it was on the peculiar facts and circumstances of the case, as exception to general rule, that relief was granted and the said proposition cannot be applied in the present case.

In the instant case, it cannot be said that the decision taken by the Chairperson, CBFC has no legal existence, irrespective of whether it is in accordance with law or not.

If the submissions made by the respondent were to be accepted as general proposition of law, perhaps no person would be required to seek the relief of quashing an adverse decision and any relief could be granted while considering prayer for issuance of a



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writ of mandamus.

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31. The decisions which have been relied upon by learned counsel for the respondent deal with cases of exceptional nature, whereas the decision relied upon by the appellants in the case of *X v. O/O Speaker of the House of People and others* (supra) lays down the principle of universal application.

32. We, therefore, hold that without seeking relief of quashment of the decision taken by the Chairperson, CBFC, to refer the film for examination of the Revising Committee, in purported exercise of power under the law, which decision was duly communicated to the respondent, the writ petition for issuance of writ of mandamus was not maintainable.

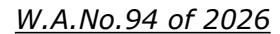
33. The finding rendered by the learned Single Judge in this regard, therefore, cannot be sustained in law and without seeking quashment of the decision of the Chairperson, CBFC, in the garb of “moulding relief”, the relief of writ of mandamus sought in the writ petition could not be granted.



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34. The submission advanced by learned Senior Counsel for the respondent that no prejudice was caused to the appellants has to be rejected at the threshold. The learned Single Judge has passed a detailed order interpreting provisions of law and arrived at a conclusion on certain factual foundation. We are unable to comprehend as to how such a contention could be raised before the Appellate Court that it does not prejudice the other side, more so when it is not a case where the appellants had conceded either on facts or law. The learned Single Judge has not merely decided a trivial issue on conceded facts and settled legal position. A serious question of law with regard to scope and ambit of power of the Chairperson, CBFC, as to under what circumstances and at what stage it was open for him to exercise his statutory *suo motu* power to refer the film for examination of the Revising Committee was under consideration. The interpretation placed on the contours of the statutory power of the Chairperson, CBFC, is, indeed, of wider ramification. Whether or not limited or wider interpretation would satisfy the constitutional spirit of reasonable restriction imposed by law, by no stretch of imagination, could be said to be a trivial one.



The factual basis for referring the film for examination of the Revising Committee is that after the Examining Committee forwarded its recommendation, a complaint was placed before the



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Chairman by one of the members, particularly with regard to some parts of the narrative content of the film.

From the records, as produced by the appellants, which we had perused during the course of hearing, it appears that the basis for referring the film for examination of the Revising Committee, a larger body, was because the film has some visuals and dialogues in which foreign powers are creating religious conflict at large scale in India, which may disturb religious harmony. In addition, it was also stated that there are many Army related references in the film, but no defence expert has been included in the EC to address these issues. The relevant contents of the objection are as below:

"The Film has shown some visuals and dialogues in which foreign powers creating religious conflict at large scale in India which may disturb religious harmony of this great country.

There are many Army related references in the film but no defence expert has been included in the EC to address these issues."

37. The issue raised, indeed, was a serious one and required due verification before screening. That seems to be the principal



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reason why the Chairperson, CBFC, decided to refer the film for examination of the Revising Committee. It was, therefore, all the more necessary that proper opportunity of hearing ought to have been afforded to the appellants to file their counter affidavit and support the decision taken by the Chairperson, CBFC.

The submission made before the writ court was that the Chairperson could not have *suo motu* referred the film for examination of the Revising Committee, even without knowing as to what was the material which impelled the Chairperson to exercise such power.

As a matter of fact, vide communication dated 5.1.2026, referred to herein above, the Regional Officer at Chennai was informed by the CEO, CBFC, that whenever a Revising Committee is convened for the film, a representative from the Ministry of Defence shall be included in the screening as an expert.

If that was the basis for referring the film for examination of the Revising Committee, the matter required serious consideration. The appellants were entitled to reasonable opportunity of hearing and filing reply defending their action.



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38. Since we have held that proper opportunity was not afforded to the appellants and the writ petition was also not maintainable unless the relief sought was for issuance of writ of certiorari to quash the decision taken by the Chairperson, CBFC, the decision of the writ court delving into the merits of the matter has to go.

39. In view of the findings rendered herein above, it is not necessary for us to go further into the merits of the case and the same is kept open.

40. As an upshot of the above discussion, the appeal is allowed and the impugned order passed by the learned Single Judge is set aside. However, in the circumstances of the case and in the interest of justice, instead of dismissing the writ petition, we are inclined to give the writ petitioner/respondent herein an opportunity to suitably amend the writ petition in view of the observations made herein above. The writ petition is restored to its original records and file.

If the respondent suitably amends the writ petition, the



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learned Single Judge may grant reasonable opportunity to the appellants herein to file counter affidavit and thereafter, the parties may pray for expeditious disposal of the writ petition on its own merits.

We make it clear that it will be open for the learned Single Judge to decide whether or not the decision to refer the film for examination of the Revising Committee was in accordance with law or not.

There shall be no order as to costs. Consequently, interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(G.ARUL MURUGAN,J)

27.01.2026

Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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