

(2013) 11 MP CK 0051

In the Madhya Pradesh High Court

Case No : Writ Petition No. 20008 of 2013 and M.C.C. No. 1395 of 2013

Amit Kumar Sahu

APPELLANT

Vs

Sensar Board of Film

RESPONDENT

Date of Decision : 22-11-2013

Acts Referred:

Citation : (2013) 11 MP CK 0051

Hon'ble Judges : Krishn Kumar Lahoti, Acting C.J.; Subhash Kakade, J

Bench : Division Bench

Advocate : S.A. Dharmadhikari, Shri Abhay Pandey, Advocate for Respondents No. 1 and 2, Shri Kumaresh Pathak, D.A.G. for Respondents No. 3 and 4, Shri Sanjay Agrawal, Advocate for Respondents No. 5, 6 and 7 and also appears for Intervenor, Shri Naman Nagrath, Learned and Shri Sanjeev Mishra, Advocate for Respondent No. 9 in M.C.C. No. 1395/2013, for the Respondent

Final Decision : Disposed Off

Judgement

1. This matter relates to exhibition of a film namely "Goliyon-ki-Rasleela, Ram-Leela". It is alleged that the film namely "Goliyon-ki-Rasleela, Ram-Leela" has no concern with the contents of the name of the film and in fact the contents of the film are contrary to the established religious name called as "Ram-Leela". It is stated by the petitioners that the word "Ram-Leela" has no concern with the life sketch of Lord Shriram, instead the film is a social drama, inspired by William Shakespeare's "Romeo & Juliet". The contents of the film are against the sentiments of the Hindus who are crores in India. It is stated that the word "Ram-Leela", in the title of the film, may be banned.

2. From the perusal of record, we find that the petitioner in M.C.C. No. 1395/2013, Shri Anand Chawla had filed a writ petition, which was registered as W.P. No. 17779/2013 (PIL) and was finally disposed of by this Court on 10.10.2013 with a direction to the petitioner to approach the Censor Board for redressal of his grievance.

3. It appears that Shri Anand Chawla had approached to the Central Board of Film Certification, Mumbai and the Central Board of Film Certification by order dated 08.11.2013 had turned down the objection of the petitioner. Thereafter this petition has been filed and after hearing the petitioner, an interim order was passed on 14.11.2013 by which we permitted exhibition of the film, but without the name in title of the film: "Ram-Leela". It appears that after the order passed by this Court, the film has been released accordingly and now it has been exhibited.

4. From the perusal of provisions as contained in Cinematograph Act, an appeal is provided u/s 5C before the appellate Tribunal, which consists of five members headed by a retired Judge of the High Court or a person to be qualified to be a judge of the High Court. Meaning thereby, that the statutory Appellate Tribunal is constituted under the Cinematograph Act, 1952 for redressal of such grievance. The petitioners before approaching this Court for invoking jurisdiction under Articles 226 and 227 of the Constitution of India, ought to have invoked the jurisdiction of the Appellate authority.

5. In aforesaid circumstances, we are of the considered view that the grievance raised in both the matters can be examined by the Appellate Tribunal, on filing an appeal/representation to the Board. We allow both the petitioners to approach the Appellate Tribunal within a period of one week. On filing such an appeal/representation, the Appellate Tribunal shall consider the grievance of the petitioners, which may be raised by the petitioners before the Tribunal. As the matter of Anand Chawla has already been examined by the Censor Board and it has been turned down, so it will be a futile exercise for the petitioner Amit Kumar Sahu, to approach the Censor Board. However the petitioners may approach to the appellate Tribunal, by invoking the provisions u/s 5C of the Cinematograph Act, 1952 for redressal of their grievance.

6. In view of the aforesaid, we finally dispose of both the petitions with following directions:-

1. The petitioners may submit their appeal/representation to the appellate Tribunal within a period of one week from today.

2. On filing such an appeal/representation the appellate Tribunal shall examine the matter on its merits, after extending opportunity of hearing to the petitioners. It would be open to the Tribunal to permit any other person to address, so as to avoid unnecessary further litigation.

3. The Tribunal shall make an endeavour to decide the matter expeditiously, as far as possible within a period of two weeks from the date of filing such matter.

4. During this period/till the decision by the Tribunal or for a period of four weeks from today, whichever is earlier, it is directed that the ad-interim writ issued by this Court on 14.11.2013 shall continue.

7. At this stage, Shri Sanjay Agrawal, learned counsel appearing for the

respondents No. 5, 6 and 7 submits that the aforesaid interim order may not be extended till the decision by the Tribunal, but the Tribunal may be permitted to exercise its jurisdiction in this regard. But considering the fact that since the ad-interim writ issued by this Court on 14.11.2013 is in operation so we extend the interim order till the decision by the Tribunal.

8. Both the parties shall cooperate with the Tribunal and shall not seek unnecessary adjournment in the matter so that the controversy may be decided expeditiously. No order as to costs.