

(1980) 09 KAR CK 0006
In the Karnataka High Court
Case No : Writ Petition No. 18406 of 1980

Gopal Touring Talkies

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 24-09-1980

Acts Referred:

Constitution of India, 1950 — Article 226
Karnataka Cinemas (Regulation) Rules, 1971 — Rule 98 (2)

Citation : AIR 1981 Kar 214

Hon'ble Judges : K.S. Puttaswamy, J

Bench : Single Bench

Advocate : B.G. Sridharan, for the Appellant; R.G. Devadhar, Govt. Pleader, for the Respondent

Judgement

1. At my direction Sri R. G. Devadhar, learned High Court Government Pleader, takes notice for the respondents. He is permitted to file his memo of appearance for the respondents within 15 days from this day. As agreed to by both sides, this case is treated as listed for final hearing today and is accordingly heard.

2. Issue rule, nisi.

3. In this petition under Article 226 of the Constitution, the petitioner while challenging the validity of R. 98 (2) of the Karnataka Cinemas (Regulations) Rules, 1971 (hereinafter referred to as the Rules), has sought for a writ in the nature of mandamus to consider and dispose of its renewal application without reference to the said rules.

4. Sri B. G. Sridharan, learned counsel for the petitioner, does not dispute that R. 98 (2) of the Rules, has been upheld by the learned single Judge that had occasion to deal with their validity. But, he submits that the orders made thereto have been challenged in writ appeals by the touring cinema operators and that in all such appeals as also in the referred writ petitions, this Court has consistently granted interim orders directing the authorities to consider the applications made

by them without reference to the said Rules and those cases are not likely to be disposed of in the very near future; for which reason this Court has been consistently granting interim orders sought in similar cases and, therefore, it is necessary to make a similar order in this case also.

5. Sri Devadhar does not dispute the correctness of the submissions made by Sri Sridharan.

6. As long as the writ appeals and referred writ "petitions are pending this Court is bound to issue rule nisi and make an interim order as sought by the petitioner in this case also which it has been consistently doing though the same has undoubtedly the effect of virtually allowing the writ petition. In these circumstances, I consider it more appropriate to make a final order instead of making an interim order now and then make a final order as was done by me on 27-8-1980 in Writ Petition No. 8146 of 1976 and connected cases. For these reasons, I direct respondent No. 2 to consider and dispose of the application already, made by the petitioner for renewal of its licence for a touring cinema without reference to R. 98 (2) of the Rules. But, this direction will govern only the present application made by the petitioner and not any other application to be made by it in future, which necessarily has to be considered and decided with reference to the law then prevailing, without in any way being influenced by this order.

7. All the contentions urged by the parties are left open and this writ petition is disposed of in the above terms.

8. In the circumstances of the case. I direct the parties to bear their own costs.

9. Let a copy of this order be communicated to respondent No. 2 forthwith.

10. Order accordingly.