

(1981) 04 MAD CK 0027
In the Madras High Court

His Holiness Chitramuthu Adigal Athma Santhi Nilayam
Vs

APPELLANT

The District Collector and Another

RESPONDENT

Date of Decision : 30-04-1981

Acts Referred:

Citation : (1982) 1 MLJ 1

Judgement

1. The writ petitioner is the appellant before this Court. The second respondent applied for a "No Objection Certificate" in 1978 for running a touring cinema. The appellant filed objections stating that his institution Athma Santhi Nilayam is a place of public worship and the situs of the touring cinema is within a distance of 200 metres from his institution. The objections were overruled and a no objection certificate was granted in favour of the second respondent, on 13th August 1978. Thereafter the licence was renewed at the instance of the second respondent and the latest order of renewal was passed on 4th January, 1981, renewing the licence upto 31st January, 1981. The appellant filed objections to the grant of renewal of licence similar to those which he raised at the time of grant of no objection certificate. Overruling the objection the first respondent renewed the licence in favour of the second respondent, observing that it is open to the appellant to agitate the same before some other forum, other than the licensing authority. Against this order, the appellant filed a writ petition and that was dismissed by a learned single Judge of this Court, holding that there is no provision under the Act or the rules entitling the appellant to prefer objections at the time of renewal of the licence and as "The objection of the appellant was considered at the time of grant of "No Objection Certificate", it is needless for the licensing authority to consider the very same objection at the time of renewal of licence. Aggrieved against the order passed by the learned single Judge, the present writ appeal has been filed before this Court.

2. The learned counsel for the appellant contended that even where a licence is renewed, it is obligatory on the part of the licensing authority under Rule 109 (1) (a) to satisfy itself that the building and the site conform to the relevant rules and the relevant Rule 103 provides that the travelling cinema should not be

located within a distance of 201 metres from a temple, and as the appellant's Athma Santhi Nilayam is a place of public worship! situated within a distance of 200 metres from the situs of the touring cinema, the licensing authority should consider the objections of the appellant to satisfy itself at the time of renewal of the licence that the site in question conformed to the relevant rule vis., 103.

3. The consideration by the licensing authority under Rule 103 arises at the time of grant of licence and not at the time of renewal of licence. So the objection relating to the distance is an objection that can be considered only at the time of grant of licence and not at the time of renewal. Rule 109 has an enabling provision empowering the licensing authority to consider whether the site and the building conform to the relevant rules;. It cannot give locus standi to the appellant to file objection for consideration by the licensing authority. At the time of grant of "No Objection Certificate" the appellant has filed the very same objection that the site of the travelling cinema is within the prohibited distance of his institution, alleged to be a place of public worship, and the licensing authority, after considering the objection by the appellant, granted the "No Objection Certificate" to the second respondent. Against the grant of "No Objection Certificate", the appellant has not filed any appeal as provided under the rules;; and the I "No Objection Certificate" granted has now become final and conclusive. The appellant cannot again be permitted to raise the very same objection at the renewal stage. There is no provision under the Act or the Rules for calling for objections from the public in respect of an application for renewal of a licence by a person who holds a valid "No Objection Certificate". The learned single Judge was, therefore, fully justified in coming to the conclusion that the appellant has no locus standi to prefer any objections to the grant of renewal of licence to the second respondent. We, therefore see no reason to entertain the writ appeal and it accordingly stands dismissed.