

(1990) 11 MAD CK 0083
In the Madras High Court

P. Mariappan

APPELLANT

Vs

The State of Tamil Nadu and Another

RESPONDENT

Date of Decision : 06-11-1990

Acts Referred:

Tamil Nadu Cinemas (Regulation) Act, 1955 — Section 9B

Citation : (1990) 2 LW 655 : (1991) 427 MLJ 1

Judgement

1. This writ appeal is directed against the order of the learned single Judge in W.P. No. 11270 of 1987. The petitioner in the writ petition is the appellant herein; and the respondents in the writ petition are the respondent herein. For the sake of convenience, we are referring to the parties as per their nomenclature in the writ petition. There were two applicants for the grant of no-objection certificate for locating permanent theatres in Sivagurunathapuram village, Tenkasi Taluk, Tirunelveli District. The petitioner was one of the two applicants for the grant of no-objection certificate for locating a permanent theatre. The second-respondent was another applicant for the grant of a no-objection certificate for locating a permanent theatre. The petitioner objected to the grant of no-objection certificate for locating a permanent theatre to the second-respondent. The Collector deemed fit to grant the licence in favour of the petitioner; and on 29.9.1986 the application of the second-respondent was rejected by the Collector. The second-respondent preferred an appeal as against the order of the Collector and on 26.8.1987 the appellate authority dismissed the appeal of the second-respondent. The second-respondent went by way of revision before the first-respondent and the first respondent by the order impugned in the writ petition allowed the revision preferred by the second-respondent and directed the grant of a no-objection certificate to the second-respondent. The petitioner impugned the order passed by the first-respondent by filing the writ petition. Before the learned single Judge, who heard the writ petition, the petitioner contended that the powers of revision conferred on the first-respondent do not enable him to re-appraise the factual findings rendered by the first authority and confirmed by the appellate authority. The second-

respondent would also advance a contention that the petitioner lacked the very locus standi to maintain the writ petition. The learned single Judge, after adverting to the pronouncement in *G. Alagiri Vs. Collector of Thanjavur and Others*, rendered by one of us (Nainar Sundaram, J.), held that the revisional powers are not so restricted as thought of by the petitioner and they enable the first-respondent to pass the order impugned in the writ petition. The learned single Judge countenanced the contention put forth by the second-respondent that the petitioner lacked locus standi to maintain the writ petition. In doing so, the learned single Judge has opined that the decision of the Full Bench of this Court concisely reported in *M.L. Krishnamurthy v. The District Revenue Officer, Vellore, N.A. District, 1989 T.L.N.J. 200* would apply. The result is, the learned single Judge dismissed the writ petition. As already noted, this writ appeal is directed against the order of the learned single Judge.

2. Mr. M.R. Narayanaswami, learned Counsel for the petitioner, would first submit that the scope of the powers of revision conferred on the first-respondent has to be gleaned from Section 9-B of the Tamil Nadu Cinemas (Regulation) Act IX of 1955, hereinafter referred to as the Act and a proper construction of that provision does not enable the first respondent to do a reappraisal of the factual findings rendered by the two authorities below; which, in fact, has been indulged in by the first respondent in the instant case.

3. As against this, Mr. G. Subramaniam, learned Counsel for the second-respondent, would advance the submission that the revisional powers conferred on the first-respondent has to be understood only in the context of the object, purpose and scope of the Act and if so understood it is not possible to impose a limitation on the first respondent with regard to the reappraisal of the factual materials and even otherwise the language employed in Section 9-B of the Act is explicit as to take in a power to reappraise the factual materials for the revisional authority.

4. Before we proceed to examine this question we feel obliged to extract Section 9-B of the Act, which runs as follows:

9-B. Powers of revision by Government: - (1) The Government may on their own motion or on application, call for and examine the record of the appellate authority in respect of any proceeding u/s 5(7) or Section 9-A(1) to satisfy themselves as to the legality of such proceedings or the correctness, legality or propriety of and decision passed or order made therein; and, if, in any case, it appears to the Government that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly;

Provided that every application to the Government for the exercise of the powers under this section shall be preferred within such time as may be prescribed and shall be accompanied by such fee as may be prescribed.

(2) No order prejudicial to any person shall be passed under Sub-section (1)

unless such person has been given an opportunity of making his representations.

(3) The Government may stay the execution of the decision or order pending the exercise of their power under Sub-section (1) in respect thereof.

Finding similarity of language or wordings or expressions used in Section 9-B with the language, wordings and expressions used in other statutes, there was an attempt on both sides to draw inspiration from the pronouncements construing analogous provisions found in other statutes. Profuse was the case law cited by both sides from this angle. But, we find that salutary guiding principles, well recognised by pronouncements of Courts, including the highest court in this land, dissuade us from adopting this line of thinking. The first and the foremost principle, is one statutory provision should not be construed by resorting to decisions rendered interpreting other statutory provision, the wordings of which are substantially different. However, in case of ambiguity in the mind of the court concerning interpretation of one statutory provision, it can look into decisions interpreting a provision, using similar wordings found in another statute in *pari materia* with the statute concerned. Statutes could be considered in *pan materia*, only when they pertain to the same subject matter; when they relate to the same person or thing; when they relate to the same class of persons or things; when they have the same purposes or objects to serve. Mere user of some expressions or wordings or language would not be sufficient.

5. In *Somersfield v. Robin* (1946) 1 ALL E.R. 218 Lord Greene, M.R., observed as follows:

Counsel for the respondent placed reliance on the provisions of the Rent Restrictions Act, which I have quoted, and he said that this can be and should be looked at for the purpose of assisting the court in construing the County Courts Act, Section 48(1). I cannot accept that proposition. I cannot imagine anything more dangerous than to attempt to construe an Act of Parliament directed to a totally different subject-matter by having regard to the very special, very obscure and artificial language of such an Act as the Rent Act, which is directed to a totally different subject-matter and actuated and governed by a completely different policy. I can find no assistance whatever in referring to the provisions of the Rent Act. Counsel submits that, if, for the purposes of the Rent Act, a rent includes payment in respect of furniture, it is possible to say, for the purposes of the County Courts Act, what rent is payable in respect of the house. That is, I think, quite illegitimate and I must decline to accept that argument.

....

I am averse to referring to authorities on one Act of Parliament for the purpose of construing another and quite different Act, but, as it was referred to, I will say that the reasoning in the case of *Mackworth v. Hellard* is entirely consistent with the view that I have just expressed. I have reached that view not because I rely on that authority or regard it as in anyway governing the decision in this case; I

merely mention it by way of showing that I have not forgotten it and to give myself such satisfaction as may be gained from the fact that it seems to me to be quite consistent with the view that I take myself; but I take that view quite independently of that case.

In *Hari Khemu Gawali Vs. The Deputy Commissioner of Police, Bombay and Another*, , the principle has been summed up as follows:

But arguments by analogy may be misleading. It has been repeatedly said by this Court that it is not safe to pronounce on the provisions of one act with reference to decisions dealing with other Acts which may not be in *pari materia*.

In *Pandit Ram Narain Vs. The State of Uttar Pradesh and Others*, , the observations run as follows:

It was rightly pointed out that it is no sound principle of construction to interpret expressions used in one Act with reference to their use in another Act. The meanings of words and expressions used in an Act must take their colour from the context in which they appear.

In *Board of Muslim Wakfs, Rajasthan Vs. Radha Kishan and Others*, , the principle has been set out in the following terms:

The Wakf Act, 1954 does, in our opinion, furnish a complete machinery for the better administration and supervision of wakfs. Though Sub-section (3) of Section 4 of the Act is rather unhappily worded, it is not a sound principle of construction to interpret expressions used in one Act with reference to their use in another Act, and decisions rendered with reference to construction of one Act cannot apply with reference to the provisions of another Act, unless the two Acts are in *pari materia*. Further, when there is no ambiguity in the statute, it may not be permissible to refer to, for purposes of its construction, any previous legislation or decisions rendered thereon.

In *S. MohanLal v. R. Kondiah* (1979) U.J.S.C. 338 Chinnappa Reddy, J., as he then was, referred to the rule as follows:

It is not a sound principle of construction to interpret expressions used in one Act with reference to their use in another Act; more so, if the two Acts in which the same word is used are not cognate Acts. Neither the meaning, nor the definition of the term in one statute affords a guide to the construction of the same term in another statute and the sense in which the term has been understood in the several statutes does not necessarily throw any light on the manner in which the term should be understood generally. On the other hand it is a sound, and, indeed, a well known principle of construction that meaning of words and expressions used in an Act must take their colour from the context in which they appear.

6. Coming to the pronouncements of the High Courts, we choose to refer to some of them. In *The Anglo French Drug Co., (Eastern) Private Ltd. Vs. R.D.*

Tinaikar, , it was observed as follows:

In dealing with the first argument advanced by Mr. Vaidya, one has to observe that in construing an Act one has to bear in mind the scheme of the Act and the purpose for which the Act was passed. It is sometimes dangerous to construe the language of one Act having regard to the construction placed by the Court on the language of another enactment.

In Daulat Ram Vs. State of Rajasthan and Others, this is what was observed:

The provisions of law have to be interpreted as they stand and the language of one law cannot be imported into the other.

In Loknath Nathulal Vs. State of Madhya Pradesh, , the learned single Judge of the High Court of Madhya Pradesh deprecated the practice of adopting definition of words laid down in enactments which are in pari materia with the enactments with which court is concerned in the following terms:

The definition of these words as laid down in those enactments is not in pari materia with the definition of word "employee" as contained in Section 2(i) of the Minimum Wages Act.

In Kalipada Ghosh Vs. Tulsidas Dutt and Others, a Division Bench of the High Court of Calcutta stated as follows:

It is not rightly in the first place, to refer to or rely on the provisions of one statute in construing those of another, particularly when they are not in pari materia.

In Begum Shah Hussain v. Attar Singh AIR 1960 J. & K. 110 the learned single Judge of the High Court of Jammu and Kashmir spoke on the principle in the following terms:

Merely because in an entirely different context and according to the scheme of a different enactment particular words were construed by a court to mean a certain thing, it will be idle to urge that similar words occurring in another context and in a dissimilar enactment should be given the same construction.

In Nathu Vs. Dilbande Hussain and Others, , a Bench of the High Court of Madhya Pradesh observed as follows:

...that in the construction of a statutory provision reasons founded upon analogies are scarcely applicable.

7. The case law cited by both the sides related to Rent Control; Rent Restriction; Rent Restoration; Sales Tax; Motor Vehicles; Land Reforms; Record of Tenancy Rights, Insolvency and the Code of Civil Procedure. The Act and these statutes could never be construed in pan materia, to adopt and apply any construction put by decisions on a provision in one statute using similar or same wording or language of a provision in the other. Hence, we do not think that it will be proper for us to have recourse to the interpretation put on similar words occurring in the

other statutes which are not in pan materia with the Act. It will be a different matter if similar words are found in other enactments in pan materia with the Act and there are pronouncements construing the words in the other enactments. The case law cited before us are not at all helpful in this connection and we do not feel obliged to refer to them.

8. In Maxwell on the Interpretation of Statutes, Twelfth Edition, the general principles of interpretation have been set forth in the following terms:

The first and most elementary rule of construction of a statute is: that it is to be assumed that the words and phrases of technical legislation are used in their technical meaning, if they have acquired one, and otherwise in their ordinary meaning: and the second is that the phrases and sentences are to be construed according to the rules of grammar. The length and detail of modern legislation has undoubtedly reinforced the claim of literal construction as the only safe rule. The safer and more correct course of dealing with a question of construction is to take the words themselves and arrive if possible at their meaning without, in the first instance, reference to cases. The rule of construction is "to intend the Legislature to have meant what they have actually expressed".

The object of all interpretation is to discover the intention of Parliament, "but the intention of Parliament must be deduced from the language used", for it is well accepted that the beliefs and assumptions of those who frame Acts of Parliament cannot make the law." The so called "golden rule" is really a modification of the literal rule. It was stated in this way by Parke B. : It is a very useful rule, in the construction of a statute, to adhere to the ordinary meaning of the words used, and to the grammatical construction, unless that is at variance with the intention of the legislature to be collected from the statute itself, or lends to any manifest absurdity or repugnance, in which case the language may be varied or modified, so as to avoid such inconvenience, but no further.

We cannot afford to lose sight of the above principles, while construing the powers of the revisional authority under the Act. We propose to go by the ordinary and natural meaning of the words used in Section 9-B, of the Act and to adhere to grammatical constructions, because that is the only safe rule. The expressions used in Section 9-B of the Act, indicate that the revisional authority has to satisfy itself as to the legality of the proceeding or the correctness, legality or propriety of any decision passed or order made therein. We need not strictly speaking trouble ourselves with reference to the aspect of legality, because what has been done by the revisional authority, the first-respondent herein, is sought to be maintained as coming within the ambit of satisfaction about the correctness or propriety of the orders of the lower authorities. Coming to the expression "correctness", the word "correct" as a verb means "to make right or supposedly right; to remove or mark faults or supposed faults from or in; to do this and evaluate; to set (a person) right: to punish: to counter-balance; to bring into a normal state to reduce to a standard." Correctness is a noun of the verb "correct." The expression "propriety", according to Oxford English Dictionary,

Volume VIII, page 1484, means "fitness; appropriateness; aptitude; suitability; appropriateness to the circumstances or conditions; conformity with requirement, rule or principle, Tightness, correctness, justness accuracy". As to how the expression "propriety" has to be generally understood has been spoken to in Babulal Nagar and Others Vs. Shree Synthetics Ltd. and Others, , after referring to the above dictionary meanings in the following terms:

If therefore, the justice or the justness in relation to a legal proceeding where evidence is led is questioned and the authority is conferred with jurisdiction to examine the propriety of the order or decision that authority will have the same jurisdiction as the original authority to come to a different conclusion on the same set of facts. If any other view is taken the expression "propriety" would lose all significance.

Guided by the ordinary dictionary meanings, annexed to the expressions "correctness" and "propriety", we find that the revisional authority under the Act is enabled to examine all the relevant questions, subject matter of consideration by the lower authorities, with the same amplitude of jurisdiction as they possess. The revisional authority as per Section 9-B is empowered to modify, annul, reverse, or remit for reconsideration the proceeding, decision or order. The exercise of such revisional powers will become illusory, if we should say that there is an embargo for the revisional authority to do reappraisal of the factual materials. We could not persuade ourselves to say so. Without doing a reappraisal of the factual materials, if the ease warrants the same, it may not be possible for the revisional authority to go through the process of satisfying himself about the correctness or propriety of the proceedings, decision or order.

9. However, if there is a doubt-here we must state that we feel no doubt; but assuming it to be so-we can take guidance from the object, purpose and scope of the statute. That would be an exceptional case. In M.P.V. Sundararamier and Co. Vs. The State of Andhra Pradesh and Another, , the following passage from Maxwell, Interpretation of Statutes, IX Edition, was quoted with approval:

The words of a statute, when there is a doubt about their meaning are to be understood in the sense in which they best harmonise with the subject of the enactment and the object which the legislature has in view. Their meaning is found not so much in a strictly grammatical or etymological propriety of language, nor even in its popular use, as in the subject of in the occasion on which they are used, and the object to be attained.

In M.P.V. Sundararamier and Co. Vs. The State of Andhra Pradesh and Another, , it was countenanced that:

in order to understand the true nature and scope of an Act it is necessary to ascertain what the evils were which were intended to be redressed by it.

In State v. Gridharilal Bajaj AIR 1962 Bom. 130 after referring to the pronouncement in Workmen of Dimakuchi Tea Estate Vs. The Management of

Dimakuchi Tea Estate, , it was observed as follows:

The passage which we have just reproduced states the exception and not the general rule. The passage itself indicates that the first and cardinal rule of construction of a statute is to give effect to the words of the statute, but that it is only in exceptional cases where there is any doubt or difficulty as to the interpretation of the statute or any word thereof, that the court can legitimately look to the object of the enactment or in the purpose for which it was made.

We shall adopt the exceptional test also to find out as to whether we could arrive at a different conclusion as to the scope of the revisional power. When we are to take guidance from the object, purpose and scope of the Act, for the purpose of finding out the amplitude of the power of the revisional authority, we must apart from advertent to the statement of objects and reasons for the Act, naturally analyse the scheme of the provisions of the Act to understand as to why they stand incorporated in the Act and to serve what purpose; and further their implications.

10. The statement of objects and reasons for legislating the Act runs as follows:

Statement of objects and reasons : - The provisions of the Cinematograph Act, 1918 (Central Act II of 1918), have been re-enacted by Parliament separating those relating to sanctioning of cinematograph films for exhibition, which is a subject falling within the Union List in the seventh Schedule to the Constitution from those relating to regulation of cinemas, including their licensing, which is a subject falling within the State List in the above Schedule. The New Central Act is called the Cinematograph Act, 1952 (Central Act XXXVII of 1952), and has come into force on 28th July, 1952. It has now become necessary for the State Government to enact legislation for the purpose of regulation of cinemas including their licensing and to repeal the Cinematograph Act, 1918, in relation to this State in so far as that Act relates to matters other than the sanctioning of cinematograph films for exhibition. The Bill is designed to achieve this object.

The preamble to the Act runs as follows:

An Act to provide for the regulation of exhibitions by means of cinematographs in the State of Tamil Nadu. Whereas it is expedient to provide for the regulation of exhibitions by means of cinematographs in the State of Tamil Nadu.

Section 1 sets out short title and commencement. Section 2 contains the definitions. Section 3 says that cinematograph exhibitions are to be licensed. Section 3-A sets forth disqualification for holding a licence. Section 4 speaks about the licensing authority. Section 5 delineates the restrictions on powers of licensing authority and what matters he should have regard to while deciding whether to grant or refuse a licence. Some of the requirements are the interest of the public generally; the suitability of the place where the cinematograph exhibitions are proposed to be given; the adequacy of existing places for the exhibition of cinematograph films in the locality and the benefit to any particular

locality or localities to be afforded by the opening of a new place of cinematograph exhibition. The licensing authority is also enjoined to take into consideration any representations made by persons already giving cinematograph exhibitions or by any local authority or police-authority. Sub-section (7) of Section 5 enables a person aggrieved by the decision of the licensing authority granting or refusing to grant a licence or approving or refusing to approve any transfer or assignment thereof, to go by way of an appeal. Section 5-A speaks about the licensing authority permitting construction and reconstruction of buildings, installation of machinery, etc., for cinematograph exhibitions. Section 6 empowers the Government to issue directions. Section 6-A gives power to the licensing authority to issue directions. u/s 7, power is given to Government or Collector to suspend exhibition of films in certain cases. Section 8 speaks about the penalties. Section 9 speaks about the power to revoke or suspend licence and Sub-Section (2) thereof inter alia contemplates revocation or suspension of licence, where it has been obtained by misrepresentation or fraud as to an essential fact. Section 9-A confers the right of appeal on a person aggrieved by the decision of the licensing authority revoking or suspending a licence under Sub-section (2) of Section 9. Section 9-B confers the powers of revision on the Government. Section 9-B was introduced in the Act by Tamil Nadu Act 50 of 1979. The statement of objects and reasons for its introduction runs as follows:

Statement of objects and reasons: - Under the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955), the Government do not have any revisionary power over the decision passed or order made in appeal by the appellate authority in respect of licences and permission granted or refused under the said Act. It is, therefore, considered necessary that the Government should have the powers of revision over the decisions or orders of the appellate authority under the said Act. Accordingly, the Tamil Nadu Cinemas (Regulation) Amendment Ordinance, 1979 (Tamil Nadu Ordinance 11 of 1979) was promulgated by the Governor.

2. The bill seeks to replace the said ordinance.

Section 10 is a provision relating to power to make rules. u/s 11, there is a power to exempt. Section 12 deals with repeal. Pursuant to powers u/s 10 of the Act, Tamil Nadu Cinemas (Regulation) Rules, 1957, hereinafter referred to as the Rules, have come to be framed. Part I-A of the Rules sets forth the general Rules 1 to 14. Of them, Rules 13 and 14 are important. Rule 13 speaks about the satisfaction to be arrived at by the licensing authority with regard to lawful possession, where the applicant for the licence is not the owner of the site. Rule 14 deals with restrictions on permitting touring cinemas in towns with a population of fifty thousand and above, where there are three or four permanent cinemas. Part I-B contains Rules 15 to 34 and relates to the procedure for approval of films. Part II-A, containing rules 35 to 36, deals with location of permanent cinemas; of them Rule 35, and 35-A have got their own significance,

since they deal with the procedure to be followed when an application for location of a permanent cinema is made. Rule 36 is also important because it enjoins upon the licensing authority, who grants a no objection certificate, to communicate the order to persons who filed objections before the licensing authority. Part II-B containing Rules 37 to 39 deals with approval of plan of building. Part II-C, containing Rules 40 to 44, refers to approval of building constructed and issue of licence. Part III taking in Rules 45 to 47, deals with appeals, Part III-A deals with revisions. Rule 47-A in the context of the controversy in the present case is important and a discussion of it found in a pronouncement of one of us (Nainar Sundaram, J.) in *G. Alagiri Vs. Collector of Thanjavur and Others*, , will be shortly adverted to. Part IV, containing Rules 48 to 79-A, relates to building. Part V, containing Rules 80 to 91, relates to maintenance of premises. Part VI, taking in Rules 92 to 97, deals with renewal of licence. Under Part VII, taking in Rules 89 to 115-A, the subject of travelling cinemas is dealt with. Part VIII containing Rules 116 to 119 speaks about the cinema exhibitions in education or industrial establishments and in the open air. Part IX adumbrating Rules 120 to 130, deals with transfer or assignment of licence in Form "C" and the no objection certificate. Part X, setting forth Rules 131 to 134, deals with exhibition of films in dance or drama performance as State aid. We are obliged to refer to the scope of the rules to some extent as above because the rules made under the Act must be treated for all purposes of construction, of rights and obligations under the Act, as if the rules are in the Act.

11. The Act is a regulatory measure. It is not a legislation, conferring rights on or settling obligations of parties inter se. Section 9-B authorises the revisional authority even to satisfy itself as to the legality of the proceeding. The proceeding could be one which has not yet culminated into a decision or order. Viewed from a broad perspective, we find that the provisions of the Act and the Rules are intended to regulate Exhibitions of, cinematograph films. Any error, which requires correction; or any impropriety which has crept into the proceeding, the decision or the order, or any illegality which has tainted such proceeding, decision or order could be set aright and rectified, only if the revisional authority possesses the power to review the entire case both from the factual and legal angle. Very many aspects have got to be adverted to and assessed as per the provisions of the Act and the Rules and the relevant question has got to be assessed from the angle of public interest also. The aspect of public interest cannot stand foreclosed at the hands of the first and the appellate authorities. If a restraint is to be put on the revisional authority with regard to the appraisal or fresh appraisal or reappraisal of the factual materials relating to the relevant aspects, which should govern and weigh with it the very power of revision will become nugatory. In *G. Alagiri Vs. Collector of Thanjavur and Others*, , one of us (Nainar Sundaram, J.), had occasion to deal with the need on the part of the revisional authority to pass a speaking order. While doing so, how the revisional power has got to be exercised was delineated and even the scope of the said power was expatiated in the following terms:

A perusal of the provisions extracted above leaves no room for doubt that the Government, while exercising the powers of revision, should exercise the same in a quasi-judicial manner. Section 9-B(1) of the Act enjoins upon the Government to call for and examine the record of the appellate authority in respect of any proceeding u/s 5(7) or Section 9-A(1) to satisfy themselves as to the legality of such proceeding, or the correctness, legality or propriety of any decision passed or order made therein, u/s 5(7) of the Act, any person aggrieved by the decision of the licensing authority referred to in that section is entitled to file an appeal to the appellate authority to be specified and the appellate authority may make such order in the case as it may think fit. u/s 9-A(1) of the Act, an appeal is maintainable against the decision of the licensing authority revoking or suspending a licence. The proviso to Section 9-B(1) stipulates "that the revision application shall be preferred within such time as may be prescribed and shall be accompanied by such fee as may be prescribed. Sub-section (2) of Section 9-B further prescribes that no order prejudicial to any person shall be passed under Sub-section (1) unless such person has been given an opportunity of making his representations. Rule 47-A(1) prescribes 30 days as the time limit for preferring a revision. The first proviso thereto confers a power on the Government to condone the delay upto two months if sufficient cause is shown, the second proviso thereto speaks about computation of the period of limitation, by excluding the time taken for obtaining a certified copy of the order of the appellate authority. Rule 47-A(2) lays down that an application for revision shall be submitted in duplicate in the form of a memorandum, setting forth concisely the grounds of objection to the order, subject matter of revision and further states that it shall be accompanied by the original or a certified copy of the order of the appellate authority. It further contemplates furnishing of extra copies of the revision application as there are respondents impleaded in the case. Rule 47-A(4) stipulates payment of a fee of rupees two hundred for a revision application. The furnishing of copies is obviously meant for service of the same on the respondents to obtain their reaction and comments to the revision application. Otherwise, it would be an empty formality and the provision is certainly not meant for that. The comments or objections of the respondents, if filed, would also be before the Government, when they consider the revision application. Neither the section nor the rule circumscribes or prescribes any limitation with regard to the points to be urged in revision by the aggrieved party. Equally so, the scope of the revisional power of the Government, appears to be wide enough to consider not only the materials already placed before the appellate authority, but also fresh materials that may be brought to their notice. There is no inhibition that could be spelt out to that effect either in the section or in the rule. In fact, the power is conferred to investigate about the legality, the correctness, or the propriety of any proceeding or decision of the appellate authority. In doing so, the Government can definitely take note of materials, though not placed before and considered by the appellate authority, but which are relevant to the questions in issue, and brought to the notice of the Government in revision. The entire scheme of the provisions points a judicial procedure and hence it has to be

stated that the Government, while dealing with the revision under the Act read with the rules, acts as a quasi-judicial Tribunal.

This pronouncement has been referred to by a Bench of this Court in N.R. Chinnasamy Chettiar and Another Vs. The State of Tamil Nadu and Others, , while dealing with the question of the revisional authority under the Act passing a speaking order, and the observations in this pronouncement have not been dissented from.

12. In Ramaraj v. The State of Tamil Nadu 1984 Writ L.R. 182 one of us (Nainar Sundaram, J.) had to deal with the question as to how far the revisional authority could take note of subsequent event and observed as follows:

There is dispute before me that the features with reference to which the conditions were imposed by the third-respondent while granting the "No objection certificate" were in fact got rectified before the order in revision came to be passed, If this is so, the revision being a continuation of the original proceedings, there can be no doubt that the revisional authority can take note of what has transpired subsequent to the passing of the order by the lower authorities and can grant the relief on this basis.

The decision in G. Alagiri Vs. Collector of Thanjavur and Others, , was adverted to and there were further observations as follows:

It is true that I had an occasion to express the above view to find out as to whether the revisional authority should pass a speaking order. That is not the question in issue in the present case. But the ambit of the revisional powers is wide enough to enable revisional authority to take note of events which transpired subsequent to the passing of the order by the lower authorities. I do not think that any citation is required on the proposition that the appellate as well as the revisional authority can take note of the subsequent events and mould and grant reliefs accordingly.

....

The grant of no objection certificate did not get concluded by the original grant. There was an appeal and there was a further revision. Both the appeal and the revision are statutory ones. The final decision even with regard to the grant of the "No objection certificate comes only through the revisional authority. Before that final decision on the question of grant of "No objection certificate, is rendered, events which have transpired and features which have emerged subsequently and which demonstrate relevantly that the site in question is a suitable one and the provisions of the Act and the Rules do stand satisfied can be completely taken note of by the revisional authority to decide the matter finally.

13. The final word on the satisfaction of the provisions of the Act and the Rules in the factual background has to be said by the revisional authority and by him alone, when we look into the scheme of the provisions of the Act and the Rules. It is not possible to curb the said power by saying reappraisal of factual materials

is beyond the pale of the revisional power.

14. In the present case, it is not demonstrated convincingly before us that the assessment of the factual materials by the revisional authority suffers any infirmity, legitimately requiring rectification by this Court in writ jurisdiction. The relevant aspects have been touched by the revisional authority, the first-respondent. The revisional Authority on an analysis of the factual materials finds: the proposed site has good access from bus-stand road and Surandai-Shenkottai Main Road; no objection has been received from public as regards adequacy the area can sustain more number of theatres; the site is suitable for locating a permanent theatre; there is enough open space all round the proposed auditorium; and there will not be any problem from the traffic point of view. When once the revisional authority has done the factual assessment, this Court exercising writ jurisdiction has its own limitations and it is not as if this Court should substitute its conclusion for that of the revisional authority because it is possible for it to take a different view. Our power in writ jurisdiction is not an appellate power. No perversity has tainted the factual assessment of and the decision on the questions by the revisional authority in the present case. Hence, it is not permissible for this Court to interfere with the order of the revisional authority.

15. The learned single Judge has dismissed the writ petition not only on the ground that there is a power for the revisional authority to appraise the factual materials, but also on the ground that the petitioner lacked the locus standi to maintain the writ petition. We, having maintained the power for the revisional authority to reappraise the factual materials and we having found no infirmity in such-process adopted by the revisional authority, that is sufficient to throw out the Writ Appeal upholding the decision of the learned single Judge. It is not necessary to go into the question as to whether the petitioner has or has not the locus standi to maintain the writ petition. In the said circumstances, we vacate all the reasonings and findings rendered by the learned single Judge on this question. As per the discussion on "the other question, this writ appeal deserves dismissal and accordingly we dismiss it. No costs.