
(1970) 03 MAD CK 0027

In the Madras High Court

Case No : Writ App. No. 662 of 1969

S. Rangaswami, General Manager, Excel Theatre, Arantangi	APPELLANT
Vs	
V. R. Sathiah Pillai others	RESPONDENT

Date of Decision : 20-03-1970

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1970) ILR (Mad) 754

Hon'ble Judges : Veeraswami, C.J.;Gokul krishnan, J

Bench : Division Bench

Advocate : K. K. Venugopal, for the Appellant; R. D. Indersenan and N. Srivatsamani and Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

Veeraswami C.J.

1. We are inclined to agree with the conclusion of Alagiriswami J, but for different reasons. The first respondent had applied for location of a travelling cinema in respect of a piece of a land, which was a mile away from the permanent cinema of the appellant. On the undertaking of the first respondent that he would have a shed with steel girders, angles, tresses and asbestos sheets, the Board at Revenue at the appellate Stage held that there was no contravention of R. 103 of the Madras Cinemas (Regulation) Rules 1957. The petition under Art. 226 of the Constitution was to quash the order granting a "no objection" certificate to the first respondent for a travelling cinema. The learned Judge was of opinion that since the shed aforesaid could not be regarded as a permanent building, it might well be regarded as a kind of semi-permanent building, that is a temporary building as defined in R. 3 (1). We are of opinion that the definition of a "permanent building" and "travelling cinema" and the entries in form A, particularly, entry 4, clearly show that the character or composition of the building does not enter into the concept of travelling cinema. In other words, whether a cinema is a travelling cinema or not will have to be decided mainly

from the stand point whether it is meant to be taken from place to place for giving exhibition. Rule 99 (b) is-

"travelling cinema" shall mean--

(i) an outfit comprising the cinema apparatus and plant and the enclosure taken from place to place in the State of Madras for cinema exhibitions; or

(ii) an outfit comprising cinema apparatus taken from place to place in the State of Madras for conducting shows in the local theatres or halls.

2. The second part of the definition demonstrates that there can be travelling cinema in a local theatre or hall, which would, of course, be a permanent building, not capable of being taken from place to place. The enclosure in the first part of the definition does not necessarily indicate that it must be part of a travelling cinema. Where an enclosure is a moveable and can be taken from place to place that may well form part of the travelling cinema. In fact, the definition describes the travelling cinema as a kind of outfit comprising of this and that. We are of opinion, therefore, that the place in which it is to be located is not the distinguishing feature of a travelling cinema. What distinguishes a travelling cinema is that the outfit comprising the cinema apparatus and plants should be such as is meant for being taken from place to place. On that view, the appeal is dismissed. No costs.