

(1978) 09 KAR CK 0004
In the Karnataka High Court
Case No : W.A. No's. 810 of 1974

State of Karnataka

APPELLANT

Vs

Sri Laxmi Touring Talkies and Others

RESPONDENT

Date of Decision : 01-09-1978

Acts Referred:

Karnataka Cinemas (Regulation) Act, 1964 — Section 19 (2) (c), 19 (3)
Karnataka Cinemas (Regulation) Rules, 1971 — Rule 107, 107 (1) (b), 111A

Citation : (1984) ILR (Kar) 1192

Hon'ble Judges : Venkatachalaiah, J; Rama Jois, J; Jagannatha Shetty, J

Bench : Full Bench

Advocate : R.N. Byra Reddy, General, for the Appellant; B.G. Sridharan, for Respondent-1 and S.G. Sundaraswamy, for Respondent-2, for the Respondent

Judgement

Jagannatha Shetty, J.—These appeals are preferred against the Order made by D.M. Chandrashekhar, J., as he then was, allowing the Writ Petitions filed by the proprietors of touring cinemas in which the validity of Rule 107 (1) (b), as it then was, of the Karnataka Cinemas (Regulation) Rules, 1971, was challenged. The learned Single Judge declared the said rule as ultra vires of the Karnataka Cinemas (Regulation) Act, 1964. He did not go into the constitutional validity of the said rule.

2. The question of the validity of Rule 107 (1) (b) was referred to a Full Bench and the Full Bench has rendered its opinion stating that that rule was not ultra vires of the Act. The Opinion of the Full Bench has been rendered on 1st September, 1978. The appeals have been now posted for further hearing along with the said opinion of the Full Bench.

3. We are bound by the opinion of the Full Bench and the appeals must be disposed of accordingly. But at this stage, Mr. Sridharan, Learned Counsel for the contesting respondents submitted that he would urge the constitutional validity of the impugned rule. Mr. S. G. Bhat, however submitted that that question need not be gone into since the impugned rule has been now replaced by a new rule

which has been published in the Karnataka Gazette dated 14th September, 1978. This fact has not been disputed by Sri Sridharan. In this position, it is unnecessary to pronounce upon the constitutional validity of the impugned rule as the said rule is no longer in the statute book.

4. This takes us to the relief to be granted in these appeals. The learned Single Judge has issued a mandamus to the respective licensing authorities to consider the applications of the respective applicants for regrant of licence without reference to rule 107. That, in our opinion, cannot be sustained so far as it relates to Rule 107 (1) (b) in view of the Opinion of the Full Bench referred to above. We, however, make it clear that the renewal of licence to the Writ Petitioners shall be in accordance with the law as obtaining at the time of the consideration of their prayer.

5. The appeals are accordingly disposed of. No costs.