

Prabhat Talkies Vs. State of Bihar and ors.

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Court : Jharkhand

Decided On : Jun-30-2003

Reported in : AIR2004Jhar89; [2003(3)JCR637(Jhr)]

Judge : R.K. Merathia, J.

Acts : [Constitution of India](#) - Article 226; Bihar Cinema (Regulation) Rules, 1974

Appeal No. : C.W.J.C. NO. 611 of 1996(R)

Appellant : Prabhat Talkies

Respondent : State of Bihar and ors.

Advocate for Def. : A.K. Sahani, Adv. for respondent No. 5,; R.S. Mazumdar and;

Advocate for Pet/Ap. : S.B. Gadodia and; B.P. Jaiswal, Advs.

Judgement :

R.K. Merathia, J.

1. Heard the parties.

2. The petitioner has prayed for cancelling the licence granted in favour of M/s Kamla Video Hall (respondent No. 5) vide orders dated 20.11.1995 and 18.12.1995 (Annexure 6 and 7 respectively) under the Provisions of the Bihar Cinema (Regulation) Rules, 1974, and for directing the State and its authorities to

prevent the respondent No. 5 from illegally exhibiting 'home viewing' cassettes and uncensored films in its Video Parlour.

3. Learned counsel appearing on behalf of the M/s Kamla Video Hall (respondent No. 5) raised some preliminary objection. Firstly, he submitted that the proprietor of the petitioner namely Smt. Gangajali Devi has died during the pendency of this writ petition. No substitution having been made, the writ petition cannot proceed any further. Secondly, the licence granted vide impugned order dated 18.12.1995 (Annexure 7) having expired on 9.12.1996, this writ has become infructuous.

4. It is true that the petitioner should have filed an application for substitution of the proprietor of the petitioner but admittedly the firm 'M/s Prabhat Talkies' is running and, therefore, in view of the order which I propose to pass, it is not necessary to go into the question of the effect of non-substitution of the proprietor of the petitioner in this case.

5. Regarding the second submission, admittedly respondent No. 5 is continuing the Video Hall on the basis of grant of further licence in its favour, and therefore this writ has not become infructuous.

6. Learned counsel for the respondent No. 5 submitted that this writ petition has been filed only because of clash of business interests. He further submitted that this case is not a Public Interest Litigation on behalf of the petitioner.

Be that as it may, this Court cannot allow any illegality to continue, if it comes to the knowledge of the Court.

7. In this writ petition on 15.3.1996 an interim order was passed to the following effect :

'Pending further order, the licensing authority is directed to intimate to the licensee, respondent No. 5, that it shall not exhibit 'home viewing' cassettes and uncensored films during this period.'

The said order was modified by order dated 22.5.1996 to the following effect :

'Heard counsel for the parties.'

I do not find any reason to modify the interim order passed on 15th March, 1996, but I may only clarify that by 'home viewing' cassettes is meant those cassettes which in law are not meant for public viewing. In another words, the licensee will not exhibit any video cassettes of which public viewing is prohibited under any law.'

8. Learned counsel for the respondent No. 7 produced a copy of order dated 8.1.1999 passed by the Deputy Commissioner, Singhbhum West, Chaibasa in Misc.(P) No. 5/95-96. After hearing the petitioner as well as respondent No. 5 he has set aside the order of SDO, Chakradharpur dated 8.10.1998 closing Video Hall of the respondent No. 5. The Deputy Commissioner allowed the respondent No. 5, being a valid licensee under Bihar Cinema Rules, 1974, to run the Video Hall with such video cassettes exhibition of which is not prohibited under any law and which bear certificates of Central Board of Film Certification so that the directions of this Court vide orders dated 15.3.1996 and 22.5.1996 are in no way violated. Learned counsel for the petitioner could not dispute this position.

9. It goes without saying that everybody is bound by law and if anybody violates the same, the consequences under the law will automatically follow. In view of the aforesaid orders dated 15.3.1996 and 22.5.1996 passed by this Court, and the order dated 8.1.1999 passed by Deputy Commissioner, Singhbhum West. Chaibasa in Misc. (P) No. 5/95-96, in my opinion, no further orders are required to be passed in this case.

10. While making the said orders passed by this Court on 15.3.1996 and 22.5.1996 absolute, this writ petition is disposed of. There shall be no order as to costs.