



2024:KER:11994

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF FEBRUARY 2024 / 25TH MAGHA, 1945

WP(C) NO. 2199 OF 2024

**PETITIONER:**

BIJU V.R @ BIJU VAISHYANPARAMBIL, [REDACTED]

BY ADV JOMY K. JOSE

**RESPONDENTS:**

- 1 CENTRAL BOARD OF FILM CERTIFICATION, REPRESENTED BY ITS CHAIRMAN, IIS, REGIONAL OFFICER, 1ST FLOOR, CHITHRANJALI STUDIO COMPLEX, TIRUVALLUM, THIRUVANANTHAPURAM, PIN - 695027
- 2 DIRECTOR GENERAL OF POLICE, ALTHARA JUNCTION, NANDAVANAM, VAZHUTHACAUD - POST, THIRUVANANTHAPURAM, PIN - 695014
- 3 DISTRICT POLICE CHIEF IDUKKI CIVIL STATION IDUKKI, IDUKKI, PIN - 685609
- 4 RATHEESH RAGHUNANDAN, [REDACTED]
- 5 R.B. CHOUDARY, MANAGING DIRECTOR, SUPER GOOD FILMS [REDACTED]
- 6 P. GOPALAKRISHNAN @ DILEEP, [REDACTED]
- \*7 JOY THOMAS, [REDACTED]  
(ADDL R7 IS IMPEADED AS PER ORDER IN I.A.NO.1/2024 DATED 14.02.2024)



BY ADVS.  
SUVIN R MENON  
MOHAMMED SIYAD M F  
PHILIP T.VARGHESE  
GODWIN JOSEPH  
PHILIP T.VARGHESE(K/000576/1991)  
ACHU SUBHA ABRAHAM(K/001758/1999)  
V.T.LITHA(K/278/2006)  
K.R.MONISHA(K/915/2013)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
14.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **JUDGMENT**

The petitioner is stated to be a resident of a Village by the name “Thankamony” in Kerala; and he objects to the use of that name in a cinematographic film produced by respondents 4 and 5, on the ground that it contains references to a real life incident that happened more than three decades ago, which casts stigma and aspersion on the Village itself, as also its residents. He points out that the incident in question was with reference to a Police action in the area more than three decades ago, in which, there were also unsubstantiated allegations of affront to modesty and even sexual offences against the ladies of the Village; and that, by the respondents alluding to it through their title of the cinematographic movie in such fashion, the stigma would come to revisit its residents; and thus that they are justified in having approached this Court.

2. Sri.Jomy K. Jose – learned counsel for the petitioner, vehemently argued that, instead of allowing the scars of the past to settle down and be erased, the cinematographic film in question intends – either intentionally or otherwise – to rekindle those



memories, which, the residents of the locality are trying hard to forget and move on with their lives. He submitted that this will lead to a mockery of their own existence, as also of future generations, particularly women and children; and hence prayed that the party respondents be injuncted from using the objected title in their cinematographic movie - which is the name of the village in question.

3. Sri.Mohammed Siyad – learned counsel for respondents 4 and 5, submitted that the fear now projected by the petitioner is apocryphal and that his clients had no intention, even remotely, to cause any stigma to the village or its residents. He submitted that the petitioner has approached this Court without understanding the contents of the cinematographic move, but solely based on its title, which his clients have chosen with care.

4. Interestingly, the learned Central Government Counsel – Sri.Suvin R. Menon, in response, submitted that this Writ Petition is unnecessary because, the Central Board of Film Certification (‘Censor Board’ for short), has not yet certified the movie to be fit for release; and that its evaluation is now continuing. He added that the movie



is scheduled to be examined on 17.02.2024 and that all objections of the petitioner, including those voiced in this Writ Petition, will be taken note of before the final certification is granted. He then added that he is making this submission, even when the petitioner has not approached the Censor Board with his objections; but in order to ensure that there is no breach of statutory conditions and requirements.

5. I must record that the afore submissions of the learned Central Government Counsel allays the apprehensions of the petitioner substantially, if not fully. This is because, as rightly argued by him, this Court will not obtain jurisdiction over an anticipated action, yet to be completed by the Censor Board; and any such will be available to be invoked by the petitioner only after it is done.

6. That said, when the Censor Board undertakes before this Court that they will verify the cinematographic movie, to ensure that all statutory requirements are fully complied with, it can only imply that the objections raised by the petitioner in this Writ Petition will also seize their mind appropriately.

In the afore circumstances, I close this Writ Petition, recording



the afore submissions of the learned Central Government Counsel; however, leaving liberty to the petitioner to approach this Court again, if he finds reasons for such after the exercise is completed by the Censor Board; for which purpose, all his contentions, as also that of the rival parties are left open.

RR

Sd/ -

**DEVAN RAMACHANDRAN**  
**JUDGE**



**APPENDIX OF WP(C) 2199/2024**

PETITIONER EXHIBITS

- |            |   |
|------------|---|
| Exhibit P1 | THE TRUE COPY OF THE TEASER OF THE MOVIE<br>RELEASED ON YOUTUBE ON 01.12.2023 |
| Exhibit P2 | THE TRUE COPY OF THE SONG RELEASED ON<br>YOUTUBE DATED 09.12.2023             |

**APPENDIX OF WP(C) 15943/2021**

## PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 05/07/2021.
- Exhibit P2 THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 05/07/2021.
- Exhibit P3 THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 16/04/2021.
- Exhibit P4 THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 19/05/2020.
- Exhibit P5 THE TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE POTHUKALLU VILLAGE OFFICE DATED 04/06/2020.
- Exhibit P6 THE TRUE COPY OF THE CERTIFICATE ISSUED BY POTHUKALLU VILALGE OFFICE TO 4TH PETITIONER DATED 17/07/2020.
- Exhibit P7 THE TRUE COPY OF THE CERTIFICATE ISSUED BY POTHUKALLU VILLAGE OFFICE TO 5TH PETITIONER DATED 17/07/2020.
- Exhibit P8 THE TRUE COPY OF THE PHOTOGRAPHS OF KAVALAPPARA LANDSLIDE.
- Exhibit P9 THE TRUE COPY OF THE REPRESENTATION FILED BY DILEEP, MEMBER, WARD NO.17, POTHUKALLU GRAMA PANCHAYATH DATED 11/02/2021.
- Exhibit P10 THE TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS BEFORE THE 2ND RESPONDENT DATED 12/07/2021.