

**HON'BLE MRS JUSTICE SUREPALLI NANDA**

**WRIT PETITION No.32374 OF 2023**

**ORDER:**

**Heard learned Senior Counsel Mr.S.Niranjan Reddy, appearing on behalf of the learned counsel on record appearing on behalf of the petitioners and Mr.D.Narender Naik, learned standing counsel appearing on behalf of the respondents.**

**2. The petitioners approached the Court seeking prayer as follows:**

“to issue an appropriate writ, order or direction; more particularly one in the nature of writ of mandamus;

- i. Declaring the action of the respondent No.2 in referring the application of certification for public exhibition vide Application NO. CA071910202300040 to the Revising Committee with respect to feature film 'Vyuham' under the pretext of the impending elections in the State of Telangana as illegal, arbitrary, contrary to the provisions of the Cinematograph Act, 1983 rules and for being unconstitutional and set aside the same and;
- ii. Consequently direct respondent No.2 to forthwith grant certification for public exhibition of the feature film 'Vyuham" without reference to the present impending elections in the state of Telangana and /or any other elections (or);

- iii. In the alternative, direct the Revising Committee functioning under the 2<sup>nd</sup> and the 3<sup>rd</sup> respondent to forthwith scrutinize and approve the application of the petitioner vide Application No.CA071910202300040 with respect to the feature film 'Vyuham' without any reference to the impending elections in the state of Telangana and /or any other elections."

3. Case of the petitioner in brief is that 1<sup>st</sup> petitioner is a proprietary firm engaged in the business of production and distribution of feature films predominantly in the Telugu Film Industry. The 2<sup>nd</sup> petitioner herein is the proprietor of the 1<sup>st</sup> petitioner and is also the authorized signatory of the said entity. The petitioners had been in the said filed of the business for more than ten years and have been conducting their business in accordance to law.

4. It is further the case of the petitioners that the petitioners herein had commissioned a feature film in Telugu under the name and style of "VYUHAM" and had completed the production of the same. An application for film certification was filed by the petitioners before the office of the 2<sup>nd</sup> respondent on 19.10.2023 and the requisite fees was paid by the petitioners. Thereafter the petitioners even submitted a detailed application form as mandated under Rule

21 of the Cinematograph (certification) Rules 1983 on 20.10.2023. While so, the petitioner received a copy of communication dated 01.11.2023 issued by the 3<sup>rd</sup> respondent intimating the petitioner that the film has been referred to the Revising Committee by the Chairperson.

**5. Learned Senior Counsel appearing on behalf of the Petitioners draws attention of this Court to the letter dated 01.11.2023 of the Central Board of Film Certification addressed to petitioner No.2 which reads as under:**

**"I am directed to state that the film has been referred by the Chairperson on his/her own to Revising Committee under rule 24(1) of the cinematograph (Certification) rules, 1983. The date, time and place of examination of the film will be intimated to you in due course. You are therefore, in the meanwhile requested to kindly furnish 15 copies of synopsis and songs of the film along with online payment of fees at an early date to enable us to take further action in the matter. You are also requested to give a declaration that the print of the film being presented to the Revising Committee for examination is the same that was shown to Examining Committee and that**

**no alteration of any kind has been affected in the print.”**

6. Learned Senior Counsel appearing on behalf of the petitioners confines his prayer only to the extent of expeditious disposal of the film certification application by the Revising Committee and submits to this Court that the Revising Committee may be directed to take a decision in the matter in accordance to law within a reasonable period in view of the fact that the said film has already been referred by the Chairperson on 01.11.2023 under Rule 24(1) of the Cinematograph (Certification) Rules, 1983, to the Revising Committee.

7. Counter affidavit has been filed on behalf of Respondent Nos.2 and 3 and it is primarily contended by Mr.D.Narender Naik, the learned Standing Counsel appearing on behalf of Respondent Nos.2 and 3 that the action of Chairman, CBFC is in accordance with rule 24(1) of the Cinematograph (certification) Rules, 1983. Further the formation of Revising Committee is kept on hold on account of applicability of Model Code of Conduct in the State of Telangana. The responsibility for conducting free and fair elections is on all government

machinery and in this spirit only the film has not been screened by the revising committee yet and the learned counsel requested the Hon'ble Court to permit formation of Revising Committee after 30.11.2023.

8. A copy of the representation dated 03.11.2023 issued by the petitioners to the 3<sup>rd</sup> respondent requesting for an expeditious consideration of the petitioners film certification application is enclosed as material document along with the affidavit filed by the petitioner in support of the present writ petitioner.

**9. This Court opines that it is not a stage where the application of the petitioners dated 20.10.2023 for public Exhibition of a feature film in the Telugu language under the name and style of "VYUHAM" can be refused and it is in fact only at the stage where it is under consideration by the Revising Committee and therefore, taking into consideration the above referred facts and circumstances of the case, and duly considering the submissions made by the learned Senior Counsel Mr.S.Niranjan Reddy, appearing on**

behalf of the petitioners and the learned Standing Counsel Mr.D.Narendar Naik, appearing on behalf of the respondents, the Writ Petition is disposed of directing the Revising Committee to consider the petitioners application of certification for public exhibition vide Application No.CA071910202300040 dated 20.10.2023, within a period of ten (10)days from the date of receipt of a copy of this order, in accordance to law, and pass appropriate reasoned, duly communicating the decision to the petitioners. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

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**MRS JUSTICE SUREPALLI NANDA**

Date: 28.11.2023  
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