

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 25TH DAY OF MARCH 2022 / 4TH CHAITHRA, 1944

WP(C) NO. 9838 OF 2022

PETITIONER:

**PRAVEENKUMAR,, S/O.SUNDAR RAJAN S,
AGED 33 YEARS
PROPRIETOR,
M/S AROMA CINEMAS (SCREEN 1), VKH ROAD,
PALAKKAD DISTRICT., PIN - 678001
BY ADVS.
JACOB SEBASTIAN
K.V.WINSTON
ANU JACOB**

RESPONDENTS:

- 1 1.THE CHIEF ELECTRICAL INSPECTOR
GOVERNMENT OF KERALA;
DEPARTMENT OF ELECTRICAL INSPECTORATE;
OFFICE OF THE CHIEF ELECTRICAL INSPECTOR,
HOUSING BOARD BUILDING, SHANTHI NAGAR, THIRUVANANTHAPURAM
DISTRICT., PIN - 695001**
- 2 2. THE ELECTRICAL INSPECTOR, PALAKKAD
GOVERNMENT OF KERALA DEPARTMENT OF ELECTRICAL
INSPECTORATE, OFFICE OF THE ELECTRICAL INSPECTOR,
NINANS COMPLEX, METTUPALAYAM STREET, PALAKKAD DISTRICT.,
PIN - 678001**
- 3 THE REGIONAL FIRE OFFICER
FIRE AND RESCUE SERVICES,
DEPARTMENT OF FIRE AND RESCUE SERVICES,
OFFICE OF THE REGIONAL FIRE OFFICER, PALAKKAD DISTRICT.,
PIN - 678001**

SMT.PARVATHY KOTTOL GP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JUDGMENT

Dated this the 25th day of March, 2022

The petitioner is running a Movie Theatre, "Aroma Cinemas", in Palakkad. The petitioner states that due to Covid-19 pandemic, the Theatre remained closed for a long period. Consequently, in order to resume the functioning, the petitioner submitted application for Form D Certificate before the 2nd respondent-Electrical Inspector, Palakkad. The Electrical Inspector as per Ext.P2 pointed out as many as 11 defects in the application and the Cinema Theatre of the petitioner, and required the petitioner to cure the defects.

2. The petitioner states that the petitioner cured all the defects and submitted Ext.P5 letter to the 2nd respondent pointing out the said fact. Ext.P5 was submitted on 28.02.2022.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

4. From the pleadings in the writ petition, it is evident that the petitioner has submitted Ext.P2 application before the 2nd respondent for Form D Certificate on 15.01.2022 and the 2nd respondent required the petitioner to cure certain defects. It is the specific case of the petitioner that the defects have been cured and the matter was informed to the 2nd respondent as per Ext.P5 dated 28.02.2022.

5. Rule 12 of the Kerala Cinemas (Regulation) Rules, 1988 mandates that the Chief Electrical Inspector shall arrange inspection of enclosure, cinematograph apparatus, plant and electrical installation and air conditioning installations, and on inspection if satisfied, give to the applicant a Certificate in Form D annexed to the Rules, within a period of one month from the date of the application. The petitioner has cured the defects and informed the 2nd respondent on 28.02.2022. In the ordinary course, a Form D Certificate ought to have been given within one month atleast therefrom. There is considerable delay.

In the facts and circumstances of the case, the 2nd respondent is directed to cause inspection of the premises, if necessary, and issue Form D Certificate to the petitioner, as expeditiously as possible and at any rate, within a period of ten days.

sd/-

N.NAGARESH
JUDGE

hnh

APPENDIX OF WP(C) 9838/2022

PETITIONER EXHIBITS

Exhibit-P1	A TRUE COPY OF THE CERTIFICATE IN FORM D ISSUED BY THE SECOND RESPONDENT DATED 26.10.2018 .
Exhibit-P2	A TRUE COPY OF THE LETTER DATED 15.01.2022 ISSUED BY THE SECOND RESPONDENT .
Exhibit-P3	A TRUE COPY OF THE NOC DATED 28.02.2022 ISSUED BY THE THIRD RESPONDENT .
Exhibit-P4	A TRUE COPY OF THE CINEMA OPERATORS LICENCE WITH THE NAME OF THE THEATRE ENDORSED DATED 09.12.1998 .
Exhibit-P5	A TRUE COPY OF THE LETTER DATED 28.02.2022 SUBMITTED BY THE PETITIONER TO THE SECOND RESPONDENT .

RESPONDENT'S EXHIBITS NIL