

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 29TH DAY OF DECEMBER, 2021

PRESENT

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

AND

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

WRIT APPEAL NO.1404 OF 2021(C)

BETWEEN:

SRI.DINESH V. PAI,
S/O SRI VISHNU N PAI,
AGED ABOUT 60 YEARS,
RESIDING AT P R EXTENSION,
DAVANAGERE-577 002.

...APPELLANT

(BY SRI. SANDESH C R, ADVOCATE FOR
SRI. JAYARAJ D S, ADVOCATE)

AND:

1. THE REGIONAL COMMISSIONER,
2ND FLOOR, BMTC BUILDING,
KH ROAD, SHANTHINAGAR,
BENGALURU-560 027.

2. THE DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE,
DAVANAGERE DISTRICT-577 004.

3. M/S ARUNA THEATRE,
DOOR NO.87/1, P B ROAD,
DAVANAGERE-577 002.
REPRESENTED BY ITS MANAGING PARTNER,
SRI K S RUDRA BASAVARAJU.

... RESPONDENTS

(BY SRI. S RAJASHEKAR, AGA FOR R1 & R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE
THE IMPUGNED ORDER DATED 03.12.2021 PASSED BY THE
LEARNED SINGLE JUDGE OF THIS HONBLE COURT IN WP
NO.18575/2021(C) IN NOT CONSIDERING OR RECORDING

THE SUBMISSIONS MADE REGARDING EXTENSION OF THE INTERIM ORDER GRANTED EARLIER AND ALLOW THE APPEAL ACCORDINGLY.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, **KRISHNA S. DIXIT. J.**, DELIVERED THE FOLLOWING:-

JUDGMENT

This intra-Court appeal lays a challenge to the judgment & order dated 03.12.2021 whereby appellant's writ petition No. 18575/2021 (C) has been disposed off on 03.12.2021 with the reasoning as specified in paragraph no.8 thereof, which reads as under:

*"8. When the petitioner is provided with appeal remedy under the Cinema Regulation, it is appropriate for the petitioner to prosecute the appeal already filed by the petitioner before the 1st respondent. It is also settled position of law that no person can institute parallel proceedings on the same cause of action. It is stated that the appeal is listed before the 1st appellate authority on 07.12.2021. Therefore, with liberty to the petitioner to prosecute the appeal already filed before the 1st respondent, the present writ petition is **disposed** of, leaving open all the contentions of both the parties."*

2. We are in full agreement with the reasoning of the learned single judge and therefore, this intra-Court appeal by its very nature being restrictive in scope does not merit admission. Writ appeal therefore is accordingly dismissed costs having been made easy.

However, this order shall not come in the way of appellant making an appropriate application before the appellate authority for the grant of interim reprieve in accordance with law.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

Bsv