

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

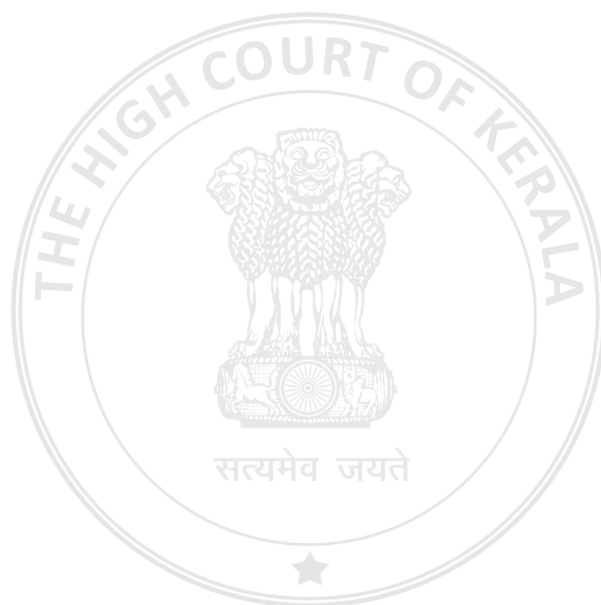
Tuesday, the 11th day of May 2021/21st Vaisakha, 1943WP(C) No.11278/2021(G)PETITIONERS

- 1.SR.JOSIA S.D,S.D.PROVINCIAL HOUSE, KOZHIPPILLY P.O,
KOTHAMANGALAM, ERNAKULAM DISTRICT.
- 2.SR. MARY K.G.,ST.RITAS CONVENT, PANDIT KARUPPAN ROAD,
THEVARA, 682013, ERNAKULAM DISTRICT.

RESPONDENTS

- 1.UNION OF INDIA,REPRESENTED BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF INFORMATION AND BROADCASTING, ROOM NO. 552, A
WING, SHASTRI BHAWAN, NEW DELHI - 110001.
- 2.THE CENTRAL BOARD OF FILM CERTIFICATION,PARYAVARAN BHAVAN,
CGO COMPLEX, 3RD FLOOR, LODHI ROAD, NEW DELHI - 110003,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.
- 3.THE REGIONAL DIRECTOR,CENTRAL BOARD OF FILM CERTIFICATION,
REGIONAL OFFICE, 1ST FLOOR, CHALACHITRA KALABHAVAN,
VAZHUTHACADU, THIRUVANANTHAPURAM - 695014.
- 4.MR. T. DEEPESH,DIRECTOR AND STORY OF THE MALAYALAM MOVIE
'AQUARIUM' ,WORKING AS TEACHER OF DRAWING, CHMHSS,
KAVUMPADY, THILLENKERY, KANNUR DISTRICT - 670702.
- 5.MR. SHAJI KANNAMBETH,PRODUCER OF THE MALAYALAM MOVIE
'AQUARIUM', PROPRIETOR OF KANNAMBETH PRODUCTIONS, RESIDING
AT MATTANNUR, KANNUR DISTRICT - 670702.
- 6.THE SANIA PLAY OTT,WHICH IS AN ONLINE PLATFORM, OWNED BY
SAINA INFOTAINMENTS PVT.LTD, DOOR NO. 40/3090,(32/2385B2) KOMATH
LANE, BEHIND DHANALAKSHMI BANK, PALARIVATTOM P.O- 682018,
REPRESENTED BY ITS MANAGING DIRECTOR MR. PRAILI BAVA AASHIQU.
- 7.MR.PRAILI BAVA AASHIQU,SAINA INFOTAINMENTS PVT.LTD., DOOR
NO.40/3090,(32/2385 B2) KOMATH LANE, BEHIND DHANALAKSHMI BANK,
PALARIVATTAM P.O, - 682018.

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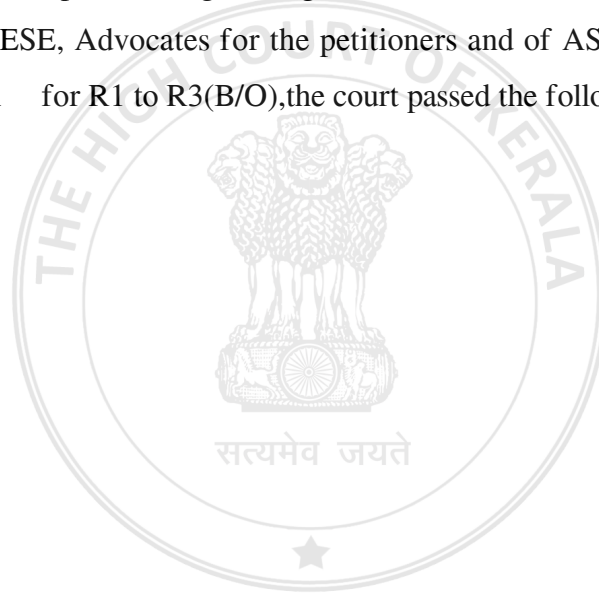
Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to .

1) pass an order restraining respondents 4,5, 6 and 7 from exhibiting the film 'Aquarium' in the online platform, as the contents of the theme is offending the religious sentiments of Christians as a whole and the nuns and priests in particular, pending disposal of the Writ Petition.

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2) stay the operation of the certification granted as per Certificate No.DIL/3/1/2020-THI dated 04-03-2020, pending disposal of the Writ Petition .

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S GEORGE POONTHOTTAM (SR.), JOHN VARGHESE, Advocates for the petitioners and of ASSISTANT SOLICITOR GENERAL OF INDIA for R1 to R3(B/O), the court passed the following



P.V.KUNHIKRISHNAN, J

W.P.(C.) No. 11278 of 2021

Dated this the 11th day of May, 2021

O R D E R

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Admit. The Asst. Solicitor General of India takes notice for respondents 1 to 3. Urgent notice by speed post to respondent Nos. 4 to 7. The petitioners will also take steps to send notice through email to respondent Nos. 4 to 7.

2. There are two interim reliefs prayed in this writ petition. The 2nd prayer is to stay the operation of the certificate granted as per the certificate No. DIL/3/1/2020-THI pending disposal of the writ petition. According to the senior counsel who appeared for the petitioners, submitted that Ext.P2 is the script of a cinema which is to be telecasted in OTT platform based on the above certificate. According to the senior counsel, the contents in Ext.P2 is highly defamatory to the Roman Catholic Christians. The senior counsel takes me through some of the scenes in Ext.P2 script. It is submitted

that there are defamatory statements about nuns. I don't want to make any observation about the contents of Ext.P2 script. Admittedly, it is a pandemic situation. The entire State is under lock down. The apprehension of the petitioners is that if the cinema by name 'Aquarium' is released in the online platform, it will damage the sentiments of the petitioners and their community. This is a matter to be heard in detail. The jurisdiction of this Court is also to be decided in detail. I think an interim order can be passed in the facts and circumstances of this case. I also taken note of the submission from the senior counsel that there is no appellate remedy against the above order.

3. Hence, all further proceedings based on certification granted as per certificate No.DIL/3/1/2020-THI dated 4.3.2020 is stayed for a period of two weeks.

Post on 20.5.2021.

Hand over.

Sd/-
P.V.KUNHIKRISHNAN, JUDGE

SKS

EXHIBIT P2 - TRUE COPY OF THE SCRIPT OF THE MOVIE 'PITHAVINUM PUTHRANUM' PUBLISHED IN MALAYALAM.

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