

W.P.No.14335 of 2026.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2026

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CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.14335 of 2026
and WMP No.15555 of 2026

D.Rakesh,
S/o.K.Damodaran,
No.23, 3rd Cross Street,
Duraismy Nagar, Madurai,
PO. Arasaradi, Madurai-625016.

Petitioner(s)

Vs

1. The Chief Election Commissioner,
Election Commission of India,
Nirvachan Sadan, Ashoka Road,
New Delhi-110 001
2. The Chief Electoral Officer, Tamil Nadu,
Tamil Nadu State Election Commission,
208/2, Jawaharlal Nehru Road,
Chennai - 600106.
3. The Secretary (I and B),
Government of India,
Ministry of Information and Broadcasting,
Shastri Bhavan, New Delhi - 110 001.



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4. The Chief Executive Officer,
Central Board of Film Certification (CBFC),
Films Division Complex,Phase-I Building,
Dr.G.Deshmukh Marg, Mumbai-400 026.
5. Aditya Dhar and Lokesh Dhar,
Filmmakers-Durandhar:The Revenge,
B62, Studios, Mumbai, Maharashtra.
6. Jyoti Deshpande,
Jio Studios (Presenter and Producer),
9th Floor, Maker Chambers IV,
222, Nariman Point, Mumbai - 400 021.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing respondent Nos.5 and 6, their men agents, servants from exhibiting of the Film Durandhar. The Revenge in the State of Tamil Nadu in all modes whether theatrical, OTT, and otherwise until the declaration of results of the Tamil Nadu Legislative Assembly Elections 2026, on the ground that its continued screening during the MCC period constitutes a violation of the level playing field mandate.

For Petitioner(s): Mr.Pranjal
for Mr.R.Rajakumaran

For Respondent(s):Mr.Niranjan Rajagopalan
Standing Counsel
for R1 and R2



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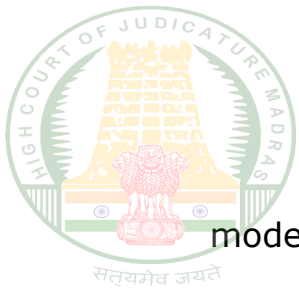
ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

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The petitioner has filed this writ petition, styled as public interest litigation, seeking issuance of a writ of mandamus to forbear respondent Nos.5 and 6 from exhibiting of the Film Durandhar - The Revenge in the State of Tamil Nadu in all modes whether theatrical, OTT, and otherwise until the declaration of results of the Tamil Nadu Legislative Assembly Elections 2026, on the ground that its continued screening during the Model Code of Conduct (MCC) period constitutes a violation of the level playing field mandate.

2.1. Learned counsel for the petitioner submits that the MCC expressly prohibits publicity regarding governmental achievements aimed at furthering the prospects of the party in power, and the film, in substance and effect, constitutes exactly such publicity delivered through the powerful medium of popular cinema and, therefore, it should not be exhibited in Tamil Nadu through any



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mode till the declaration of the results of the Assembly Elections,
2026.

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2.2. It is further submitted that the Election Commission of India has a constitutional duty under Article 324 of the Constitution of India to take all steps necessary to maintain a level playing field among all contesting parties and candidates. He hastened to add that the CBFC and the Ministry of Information and Broadcasting have an independent statutory obligation under the Cinematograph Act, 1952 to examine whether the Film's continued exhibition during the election period is consistent with certification guidelines.

2.3. In support of his submissions, learned counsel for the petitioner referring to Clause VII of the Compendium of Instructions on Model Code of Conduct, 2024.

"VII. Party in Power. - The party in power whether at the Centre or in the State or States concerned, shall ensure that no cause is given for any complaint that it has used its official position for the purposes of its election campaign and in particular-
(i) to (iii)



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(iv) Issue of advertisement at the cost of public exchequer in the newspapers and other media and the misuse of official mass media during the election period for partisan coverage of political news and publicity regarding achievements with a view to furthering the prospects of the party in power shall be scrupulously avoided."

[emphasis supplied]

3. Even according to the averments contained in the writ petition, the film was released in Tamil dubbing on 21st March, 2026 and has been widely screened across the State of Tamil Nadu. However, till date, the petitioner has not chosen to challenge the CBFC certification issued to the film. Once the certificate has been issued, there is prima facie a presumption that the authority concerned has taken into account all the Guidelines, including public order.

4. In this regard, it is apposite to refer to the observations of the Supreme Court in *Viacom 18 Media (P) Ltd. v. Union of India*¹, which are as under:

¹ (2018) 1 SCC 761



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"15. ... The creative content is an insegregable aspect of Article 19(1) of the Constitution. Needless to emphasise, this right is not absolute. There can be regulatory measures. Regulatory measures are reflectible from the language employed under Section 5-B of the Act and the Guidelines issued by the Central Government. **Once the parliamentary legislation confers the responsibility and the power on a statutory Board and the Board grants certification, non-exhibition of the film by the States would be contrary to the statutory provisions and infringe the fundamental right of the petitioners. That apart, as we understand at present from para 27 of the judgment in Prakash Jha Productions v. Union of India, (2011) 8 SCC 372, it is the duty and obligation of the State to maintain law and order in the State.**

16. It has to be borne in mind, expression of an idea by any one through the medium of cinema which is a public medium has its own status under the Constitution and the statute. There is a Censor Board under the Act which allows grant of certificate for screening of the movies. As we scan the language of the Act and the Guidelines framed thereunder, it



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*prohibits use and presentation of visuals or words contemptuous of racial, religious or other groups. Be that as it may. As advised at present, **once the certificate has been issued, there is prima facie a presumption that the authority concerned has taken into account all the Guidelines including public order.***"

[emphasis supplied]

5. The aforesaid view was reiterated by the Supreme Court in *Atul Mishra v. Union of India*², and it was held as under:

*"32.1. Thus, this Court was clear in enunciating the principle that **once the film is granted certificate by the competent statutory Board, unless the said certificate is nullified or modified by any superior authority, the producer or distributor of the film has every right to get it exhibited in a movie hall. Deprecating the activities of any body, group, association or individual seeking to prevent exhibition of a film, this Court was of the opinion that if such activities are encouraged, it would bring in anarchy and***

² 2026 SCC OnLine SC 321



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cripple the right to freedom of speech and expression."

[emphasis supplied]

6. The Supreme Court in *Union of India v. K.M. Shankarappa*³, has held as under:

"8. We fail to understand the apprehension expressed by the learned counsel that there may be a law and order situation. Once an expert body has considered the impact of the film on the public and has cleared the film, it is no excuse to say that there may be a law and order situation. It is for the State Government concerned to see that law and order is maintained. In any democratic society there are bound to be divergent views. Merely because a small section of the society has a different view, from that as taken by the Tribunal, and choose to express their views by unlawful means would be no ground for the executive to review or revise a decision of the Tribunal. In such a case, the clear duty of the Government is to ensure that law and order is maintained by

3 (2001) 1 SCC 582



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***taking appropriate actions against persons who
choose to breach the law.”***

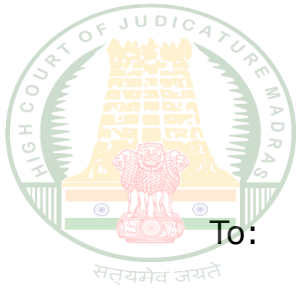
[emphasis supplied]

7. As held by the Apex Court in the aforesaid decisions, once the expert body has considered the impact on the public and has cleared the film, merely because a small section of the society has a different view, the exhibition of the film cannot be stalled.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
10.04.2026

Index : Yes/No
Neutral Citation : Yes/No
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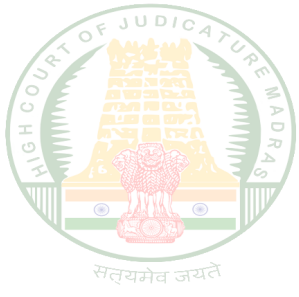


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THE HON'BLE CHIEF JUSTICE
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