

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 19827 of 2015 (C)

PETITIONER :

**P.M.ANANDAVALLI, AGED 70 YEARS,
W/O A.K.GOPALAKRISHNAN NAIR (LATE), ANANDA VIHAR
KARUVAMBRAM, MELAKKOM, MANJERI,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENTS :

- 1. THE MANJERI MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MANJERI
MALAPPURAM DISTRICT, PIN:676121.**
- 2. THE SECRETARY
MANJERI MUNICIPALITY, MANJERI,
MALAPPURAM DISTRICT PIN:676 121.**

BY SRI.K.SHIBILI NAHA, SC, MANJERI MUNICIPALITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE LICENCES ISSUED TO THE MOVIE THEATER
(SCREEN-1) BY THE 2ND RESPONDENT DATED 6.2.2015.
- EXHIBIT P2: TRUE COPY OF THE LICENCES ISSUED TO THE MOVIE THEATER
(SCREE-2) BY THE 2ND RESPONDENT DATED 6.2.2015.
- EXHIBIT P3: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT FIXING THE
RAE OF ADMISSION TO BE RS.50/- TO SCREEN 1 OF THE MULTIPLEX.
- EXHIBIT P4: TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT, FIXING THE
RATE OF ADMISSION TO BE RS.150/- TO SCREEN 2 OF THE
MULTIPLEX.
- EXHIBIT P5: TRUE COPY OF THE ORDER PASSES BY THE 2ND RESPONDENT AS
NO.R3.15050/2015 DATED, 29.6.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.
= = = = =
W.P(C) No.19827 of 2015
= = = = =
Dated this the 1st day of July, 2015

JUDGMENT

Aggrieved by Ext.P5 order directing the petitioner to reduce the rate of admission to the cinema which was renovated recently from ₹150/- to ₹100/-, the petitioner has come up before this Court.

2. The petitioner alleges that the cinema run by her is having the latest technologies and sound system as Dolby Atmos. Only lesser number of seats are provided for comfortable push back. The petitioner was issued with Exts.P1 and P2 licenses for the exhibition of films wherein the maximum rate for admission was specified to be ₹150/-; it is alleged. The rate of admission to be ₹150/- to screen 1 and 2 of the multiplex suggested by the petitioner was approved by the 2nd respondent by Exts.P3 and P4 orders.

3. The grievance of the petitioner is that the 2nd respondent has issued Ext.P5 order directing that the rate of admission should be reduced to ₹100/-. According to her, Ext.P5 is apparently illegal as the same has been passed without hearing nor without issuing any notice to her before the reduction of rate of admission.

4. The petitioner further alleges that the only reason that was stated in Ext.P5 was that the respondent municipality had received complaints from the DYFI and Youth Congress and, therefore, the rate of admission was reduced from Rs.150/- to Rs.100/- which at any rate, cannot have any justification. It is with this background, the petitioner has come up before this Court.

5. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent municipality.

6. It appears from the apparent tenure of Ext.P5 that the same was passed without affording the petitioner an opportunity of being heard. Therefore, on that count itself, Ext.P5 calls for an interference.

Therefore, the writ petition is disposed of quashing Ext.P5 and directing the respondent municipality to reconsider the issue after affording the petitioner and affected parties an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. Till then the rate already fixed by the petitioner shall be in force.

Sd/-
A. V. RAMAKRISHNA PILLAI
JUDGE

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