

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27733 of 2015 (N)

PETITIONERS:

- 1. VIJAYAN UNNITHAN
AZHAKATHU, BUNGLAW,
MANAKKALA P.O.
ADOOR, PATHANAMTHITTA DISTRICT**
- 2. P. KARTHIKEYAN
KACHIYIL PUTHEN VEEDU
PEROOR KARAYMA
CHARUMOODU P.O.,
PATHANAMTHITTA DISTRICT**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.K.SUDHINKUMAR**

RESPONDENTS:

- 1. ADOOR MUNICIPALITY
REPRESENTED BY ITS SECRETARY
MUNICIPAL OFFICE, ADOOR
PATHANAMTHITTA DISTRICT
PIN - 691 523**
- 2. THE SECRETARY
ADOOR MUNICIPALITY
MUNICIPAL OFFICE, ADOOR
PATHANAMTHITTA DISTRICT
PIN - 691 523**

R1 & R2 BY ADV.SRI.V.M.SYAM KUMAR, SC, ADOOR MUNICIPALITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

WP(C).No. 27733 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 24.02.2009**
- P2 : COPY OF THE JUDGMENT DATED 5.7.2011 IN W.P.(C). NO. 17132/2011**
- P3 : COPY OF THE REPRESENTATION FILED BY THE FIRST PETITIONER BEFORE THE 2ND RESPONDENT 3.6.2015**
- P4 : COPY OF THE ORDER GIVEN BY THE 2ND RESPONDENT TO THE FIRST PETITIONER DATED 5.8.2015**
- P5 : COPY OF THE KERALA CINEMAS (REGULATION) ACT 1958**
- P6: COPY OF THE JUDGMENT DATED 17.07.1996 IN O.P. NO. 7190/1996**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 27733 OF 2015

Dated this the 15th day of September, 2015

JUDGMENT

Heard the counsel for the petitioners and the Standing Counsel Sri. Syamkumar for the respondent Municipality.

2. All that the Municipality has a right is to fix the entertainment tax on the rate of admission finalised by the theatre owners. The formation of a Sub Committee to decide even the rate of admission to the theatres in question was wholly unwarranted.

3. The petitioners are permitted to fix the rate of admission to the theatres and inform the Municipality about the same forthwith. It is upto the respondent Municipality to assess and collect the entertainment tax dependent on the rate of admission.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS