

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:4/11/2015

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.Nos.27695 to 27697 of 2015

a n d

MP.Nos.1 to 1 of 2015

M/s.Bala Abirami Builders & Developers(P) Ltd,
No.16/16A, 3rd Cross Street,
Nehru Nagar,
Kottivakkam,
Chennai-600 041. Petitioner in all WPs.

Versus

- 1.The Licensing Authority/District Collector,
District Collectorate,
Kancheepuram.
- 2.The Revenue Divisional Officer,
Madurantagam,
Kancheepuram District.
- 3.The Tahsildar,
Chengleput,
Kancheepuram District. Respondents in all WPs.

Prayer in W.P.No. 27695 of 2015: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the proceedings of the first respondent made in MM. No.28030/2014/M-1 dated 13.08.2015 and quash the same consequently direct the first respondent to refix the rates of admission in respect of the petitioner theatre namely Laurel Mall Screen-I, Mamandur as per the petitioner application dated 20.11.2014 and pass appropriate orders.

Prayer in W.P.No. 27696 of 2015: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the proceedings of the first respondent made in MM. No.28029/2014/M-1 dated 14.08.2015 and quash the same consequently direct the first respondent to refix the rates of admission in respect of the petitioner theatre namely Laurel Mall Screen-II, Mamandur as per the petitioner application dated 20.11.2014 and pass appropriate orders.

Prayer in W.P.No. 27697 of 2015: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus to call for the proceedings of the first respondent made in MM. No.28031/2014/M-1 dated 14.08.2015 and quash the same consequently direct the first respondent to refix the rates of admission in respect of the petitioner theatre namely Laurel Mall Screen-III, Mamandur as per the petitioner application dated 20.11.2014 and pass appropriate orders.

For Petitioner : Mr.S.Thirumavalavan
all petitions

For Respondents : Mr.R.Vijayakumar,
all petitions Additional Government Pleader

C O M M O N O R D E R

With the consent of the learned counsel for the parties, these writ petitions are taken up for final disposal.

2. Heard Mr.S.Thirumavalavan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader for the respondents.

3. The petitioner is a Private Limited Company, which has constructed a shopping mall with three mini theatres and obtained 'C' Form license. The petitioner's request is to enhance the rates of admission fee from Rs.95/- to Rs.120/-. The licensing authority/District Collector, Kancheepuram, by the impugned proceedings, rejected the petitioner's request on the ground that he is not entitled for revision of rates in terms of G.O.Ms.No.405 Home (Cinema) Department dated 20th May 2009.

4. The petitioner admits that they have air condition and restaurant facilities in their shopping mall. Therefore, the petitioner does not dispute their ineligibility to fall within the clause (vi) of Rule 83 (1A) (b) (vi) of the Tamil Nadu Cinema (Regulation) Rules, 1957. But the petitioner on the other hand would state that though the petitioner would not fall within the above provision and entitled for revision of rates, as they do not have three theatres. The Government Order provides to order general revision of rates of admission to theatres including the theatres in Multiplex considering the amenities provided therein and the overall escalation of costs in all spheres related to the running of theatres. Therefore, the petitioner would state that they will make an application to the Government through the District Collector and the matter may be forwarded to the Government for fresh consideration.

5. In view of the above, there is no error in the order

passed by the second respondent and accordingly, this writ petition is liable to be dismissed.

6. In the result, these writ petitions are dismissed. However, this petitioner is directed to approach the Government by way of revision.

7. The first and foremost aspect to be initiated is whether the petitioner is entitled for consideration of his request for revision of rates in terms of Rule 83 (1A) (d) of the said Rules. In any event, this Court is not inclined to go into this aspect at this juncture and it is for the authorities to take note of the factual situation and the real position.

8. Accordingly, while declining to grant the relief sought for in the writ petition, liberty is granted to the petitioner to submit a representation, furnishing all details to the first respondent through proper channel. If such an application is filed, then the first respondent shall consider the same and with his remarks, forward the same to the Government/competent authority, who shall take a reasoned decision in the matter, within a period of three months from the date of receipt of a copy of the representation along with the remarks of the first respondent. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

mvs.

To

1.The Licensing Authority/District Collector,
District Collectorate,
Kancheepuram.

2.The Revenue Divisional Officer,
Madurantagam,
Kancheepuram District.

3.The Tahsildar,
Chengleput,
Kancheepuram District.

+1 cc to M/s.S.Thirumavalavan, Advocate, sr.60547

+ 1 CC TO THE GOVT.PLEADER, SR 60922 (5/1/16)

W.P.Nos.27695 to 27697 of 2015

rsk co

kra 07.12.2015