

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.37971 of 2015

The Tamil Nadu Film Exhibitors Association
DR Mailigai, No.2 (Old No.16), Poes Road
III Street, Teynampet, Chennai - 18. .. Petitioner

Vs

The State of Tamil Nadu
rep. by its Principal Secretary to the Government
Home Department, Cinema
Fort St. George, Chennai - 600 009. .. Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondent to revise the rates of admission into cinema theatres as per Rule 83(1)(d) of the Tamil Nadu Cinema (Regulation) Rules, 1957 in pursuance of the representation of the petitioner dated 19.12.2013 followed by the representation dated 10.11.2015.

For Petitioner : Mr.Nithyaesh

For Respondents : Mr.C.Manishankar
Addl. Advocate General
for Mr.R.Vijayakumar
Addl. Government Pleader

ORDER

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

The learned Additional Advocate General has produced before us an order passed on 21.10.2016 by the Principal Secretary, Home (Cinema) Department, rejecting the representation of the petitioner/ association.

2. On reading of the representations which have been rejected and the order, it appears that what the petitioner wanted was a suo motu consideration by the relevant authorities by reason of passage of time. The rejection is based solely on the ground that there is absence of sufficient material to

revise the rates.

3. We may notice that in the writ petition, the petitioner in paragraphs (7) and (8) has set forth the rationale for seeking increase and since notice was issued in the petition on the last date calling upon counter affidavit to be filed, either the stand of the authorities in this behalf should have been placed on record or the decision placed before us should have dealt with these aspects. Merely to state that nothing has changed in the last ten years begs the question, as it can hardly be disputed that on various accounts costs have increased as set out in paragraphs (7) and (8), including basic aspects like electricity cost, D.A. payable, entertainment tax, etc.

4. We are, thus, not satisfied with the disposal of the representation and thus direct that fresh consideration should take place based on the parameters set out by the petitioner in paragraphs (7) and (8) of the writ petition and then the decision should be taken within a maximum period of one month from today and communicate it to the petitioner.

5. We expect a rationale and realistic consideration keeping in mind the parameters set out in paragraphs (7) and (8). Needless to say that if the petitioner is still aggrieved on any aspects, it will be open to the petitioner to assail the fresh consideration, while we set aside the order dated 21.10.2016.

The petition, accordingly, stands disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sasi

To

The Principal Secretary to the Government
Home Department Cinema
Fort St.George Chennai-09

+2 cs to M/s.Nithyaesh and Vaibhav Advocate sr 60379/16

+1 cc to Government Pleader sr 60541/16

W.P.No.37971 of 2015

cnr(co)

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