

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.5805 and 9008 of 2009

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they involve the same point of law.

These writ petitions are filed challenging the orders passed by respondent No.2 imposing a fine of Rs.5,000/- to each petitioner for violation of the licence conditions.

The petitioners are theatres represented by their licensees. There is no dispute with regard to subsisting licence in favour of the petitioners. While so, the theatres were inspected on 27.12.2008 and 15.02.2009 by the authority, who submitted a report to respondent No.2. On the basis of said report, show cause notices were issued to petitioners on 14.01.2009 and 14.02.2009 under condition 12(20) of B-Form Licence and Clause 17 of Appendix-1 of the A.P. Cinema (Regulations) Rules, 1970 (for short, 'the Rules'). The petitioners submitted their explanation pointing out that there were no lapses on their part with regard to the irregularities mentioned in the show cause notices, however, a fine of Rs.5,000/- was imposed vide orders of respondent No.2 dated 28.02.2009 and 25.03.2009 respectively on the ground that the rates of food stuff were not displayed in the black board and tickets were sold at higher rates outside the theatre. Challenging the said orders dated 28.02.2009 and 25.03.2009 respectively, these writ petitions are filed.

Learned counsel for the petitioners submits that there is no provision in the B-Form licence or Clause 17 of Appendix-1 of the Rules with regard to the alleged violations, for which the fine of Rs.5,000/- was imposed.

Learned Government Pleader for Home, who appeared for

the respondents, could not point out the existence of any condition or clause in the Rules, which warranted the imposition of fine.

In the circumstances, the impugned orders, dated 28.02.2009 and 25.03.2009, are set aside and these writ petitions are allowed. No order as to costs. However, this will not prevent the respondents from making periodical inspections on the theatres and take necessary action in accordance with law.

Miscellaneous Petitions, if any, pending in these writ petitions shall stand closed.

A.RAMALINGESWARA RAO, J

22.02.2016

MVA