

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28138 OF 2017

ORDER:

This Writ petition is filed seeking a *mandamus* to declare the inaction on the part of the respondent authorities in fixing the rate of admission for the petitioner's theatre, as per its Application dated 08.08.2017, as arbitrary and illegal.

Heard learned counsel for the petitioner and learned Government Pleader for Home (Telangana).

The petitioner cinema theatre is governed by the provisions of the Andhra Pradesh Cinemas Regulation Act, 1970 and the Rules made thereunder, as adopted by the State of Telangana. The rates of admission into theatres is also governed by various provisions of the Act and the Rules made thereunder. Initially, the government had notified the rates of admission *vide* G.O.Ms. No. 100, dated 26.04.2013, which came to be challenged before this Court. The learned Single Judge of this Court, while disposing of Writ Petition No. 18779 of 2014 and batch, *vide* its order dated 31.10.2016, had issued certain directions, particularly in para 10 thereof. After the said order, the State of Telangana has issued G.O.Ms. No. 75 Home (General) Department, dated 23.06.2017, however, the said G.O. has been kept in abeyance with effect from 01.07.2017. A Committee has been constituted through G.O.Ms. No. 32, dated 28.02.2017 under the chairmanship of the Principal Secretary to Government, Home Department and other five members to look into the aspect of rates of admission into various cinema theatres. The Committee had also made recommendations prescribing the maximum permissible rates of admission.

However, as on date, the Committee's recommendations are under active consideration of the 1st respondent State. On account of the fact that G.O.Ms.No. 100 had been struck down by this Court and on account of the fact that G.O.Ms.No. 75 has been kept in abeyance, virtually, there is a vacuum with respect to the rates of admission that could be charged by the theatre owners.

It may be noted that the petitioner's right to carry on the business under Article 19(1)(g) of the Constitution is absolute, subject to certain reasonable restrictions. While the State has the power to prescribe the rate of admission, as of date, there is no restriction, which has been imposed on the petitioner and there being no rates prescribed, the petitioner would be left with no alternative except either to shut its business or to charge what the market can bear, keeping in view their business interests. Taking all these aspects into consideration, while disposing of Writ Petition No. 18779 of 2014 and batch of cases, this Court had issued certain directions in para 10.

For the present, this Writ Petition is also disposed of in terms of para 10 of the order dated 31.10.2016 in Writ Petition No.18779 of 2014 and batch, making it clear that these directions will hold good until either the government issues a fresh G.O. specifying the rates of admission, in exercise of the statutory powers, or it directs operation of G.O.Ms. No. 75, dated 23.06.2017. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

30th August 2017

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