



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH  
AND  
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.NO.3099 OF 2019

M.Ilavarasu

.. Appellant/Petitioner

Vs

State of Tamil Nadu  
Rep. by its Additional Chief Secretary,  
Home (Cinema) Department,  
Fort St.George, Chennai.

.. Respondent/Respondent

PRAYER:-

Appeal filed under Clause 15 of Letters Patent against the order dated 27.04.2019 made in W.P.No.12798 of 2019.

Prayer in W.P.No.12798 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, to call for the records and quash the same G.O.MS.NO.891 dated 30-11-2017 on the file of the Respondent the Additional Chief Secretary to Government, Home (Cinema) Department, Government of Tamilnadu

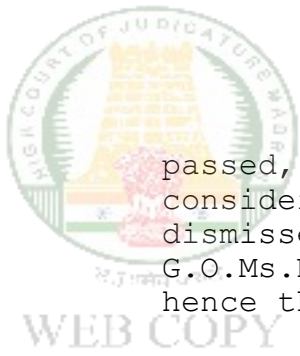
For Appellant : Mr.B.Govinda Prabhu

For Respondent : Mr.John J Raja Singh  
Government Counsel

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant, who is the licence holder of the vehicle parking stand having obtained the licence from the Greater Chennai Corporation for parking of the vehicles of cinema goers. Challenging the Government Order



passed, by which parking fees has been fixed after taking into consideration the relevant materials. The learned Single Judge dismissed the writ petition upholding the Government Order in G.O.Ms.No.891 Home (Cinema) Department, dated 30.11.2017 and hence the present appeal.

2. Learned counsel appearing for the appellant submitted that the appellant has not been heard before passing the Government Order. The cost of the land value has not been taken into consideration and, therefore, the order requires to be interfered with and a consequential direction will have to be issued to increase the parking fees at the cinema theatres.

3. We do not find any merit in this appeal. The appellant being a mere licensee cannot ask for such a prayer. The fixation of the fee is in the realm of the respondent. On perusal of the Government Order, we find that the relevant materials have been taken into consideration. If the enhancement of fee as sought for by the appellant is accepted, it will be against the public interest. This is a policy decision of the respondent which cannot be reviewed by invoking Article 226 of the Constitution of India.

4. In such view of the matter, the order of the learned Single Judge is confirmed and the writ appeal stands dismissed. No costs. However, this order will not stand in the way of the appellant to approach the respondent for enhancement of parking fees in future, if so advised.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

The Additional Chief Secretary,  
Home (Cinema) Department,  
Fort St.George, Chennai.

+1cc to Mr.B.Govinda Prabhu, Advocate, S.R.No.32881/2021  
+1cc to the Government Pleader, S.R.No.32930/2021

W.A.NO.3099 OF 2019

RP(CO)  
PBS/03/08/2021