



W.P(MD)No.8631 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8631 of 2014
and
M.P(MD)Nos.1, 2 of 2014
& W.M.P(MD)No.12058 of 2016

Guru A/c. DTS Theatre,
Represented by its Proprietor,
G.Pandiyarajan,
Dindigul Bye-Pass Road,
Arapalayam,
Madurai – 625 101.

... Petitioner

Vs

1.The State represented by
The Secretary,
Home (Cinema) Department,
Fort St.George,
Secretariat,
Chennai – 600 009.

2.The Appellate Authority /
Principal Secretary and
Commissioner of Land Administration (Cinema),
Ezhilagam,
Chepauk,
Chennai – 600 005.



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3. The District Collector,
Madurai District,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order of the first respondent in G.O.(D)No.340 dated 12.05.2014 confirming the order of the second respondent in Proc.No.L1/31718/2012 dated 04.02.2013 quash the same.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mrs.K.Christy Theboral
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is a licensed cinema theatre. An allegation was made that the theatre Management had overpriced the tickets and sold them on 14.11.2012. After holding enquiry, the third respondent passed order dated 05.12.2012 suspending "C" form license for one month. Aggrieved by the same, the petitioner filed appeal before the Commissioner of Land Administration. The appellate authority also confirmed the findings and modified the period of suspension of license to 20 days. Aggrieved by the



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same, the petitioner filed revision before the first respondent. The first respondent confirmed the findings and reduced the punishment period to 14 days. Challenging the same the petitioner filed W.P.No.28361 of 2013. This Court vide order dated 28.10.2013 set aside the same and directed the first respondent to pass fresh order on merits and in accordance with law. Pursuant to the said direction, the present order has been passed once again confirming the findings and reducing the quantum of punishment of suspension of “C” form license to 14 days. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The respondents have filed counter affidavit and the learned Special Government Pleader took me through its contents. She submitted that what has been posed for consideration is a pure question of fact i.e., whether the petitioner had over priced their tickets. The third respondent / original authority after conducting enquiry has confirmed the misconduct committed by the Management. This was re-appreciated by the appellate authority as well as



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revisional authority. All the three authorities have taken the view that the petitioner had sold tickets for excess value. The writ Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot re-appreciate the factual aspects. She also points out that the authorities have been quite indulgent. Even though the original authority imposed punishment of suspension for a period of 30 days, it was reduced to 20 days by the appellate authority and 14 days by the first respondent. According to the learned Government counsel, the issue does not warrant interference. She pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. As rightly submitted by the learned Special Government Pleader, the question of writ Court interfering with the factual findings when three authorities have gone into the same does not arise at all. I confirm the findings set out in the impugned order that the petitioner had over priced the tickets. But the question is whether the petitioner should be visited with the punishment of suspension for 14 days.



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7. I can take judicial notice of two aspects:

- i) Cinema theatres throughout Tamil Nadu are going through rough patch. Many of them have already been converted into Kalyana Madabams.
- ii) The nation was struck by pandemic and for months together theatres like many other establishments remained shut down.

It is not necessary for this Court to add to the petitioner's hardships and difficulties. I therefore hold that the punishment of suspension can very well be set aside. Even while confirming the findings set out in the impugned order, the punishment of suspension for a period of 14 days is set aside.

8. This writ petition is partly allowed. There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

03.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1. The Secretary,
Home (Cinema) Department,
Fort St. George,
Secretariat,
Chennai – 600 009.



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G.R.SWAMINATHAN, J.

MGA

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