



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

WEB COPY **IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 06.02.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

W.P.No.34706 of 2016:

G.Devarajan

... Petitioner in Person

Vs

- 1.The Chief Secretary,
the Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 2.The Police Commissioner,
(Spl.Team – Cinema)
New Police Commissioner Office, Chennai – 600 007.
- 3.The Commissioner, (Spl.Team – Cinema),
Head of the All District Collector,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 4.The Commissioner, (Spl.Team – Cinema),
Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 5.The Commissioner, (Spl.Team – Cinema)
Commissioner of Commercial
Ezhilagam, Chepauk, Chennai – 600 005.

... Respondents



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner i.e., to take action against the Chennai & Tamil Nadu cinema theatre owners whom charged more than the actual cinema ticket rate fixed by the government, during the projection of the movie – Kabali.

For Petitioner : Mr.G.Devarajan
Party-in-Person

For Respondents : Mr.R.Silambannan
Additional Advocate General assisted by
Mr.S.Balamurugan, Government Advocate

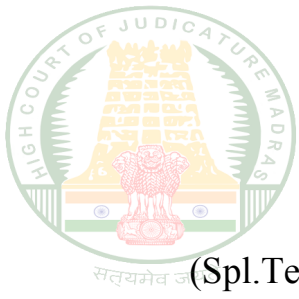
W.P.No.43127 of 2016:

G.Devarajan

... Petitioner in Person

Vs

- 1.The Principal Secretary, Home (Cinema),
the Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 2.The Police Commissioner,
(Spl.Team – Cinema)
New Police Commissioner Office, Chennai – 600 007.
- 3.The Commissioner, (Spl.Team – Cinema),
Head of the All District Collector,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 4.The Additional Chief Secretary and Commissioner,
(Spl.Team – Cinema), Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 5.The Principal Secretary and Commissioner,



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

(Spl.Team – Cinema), Commissioner of Commercial
Ezhilagam, Chepauk, Chennai – 600 005.

6.Studio Green Films Production
13/6, 2nd Floor, Thanikachalam Road,
T.Nagar, Chennai – 600 017.

7.K.E.Gnanvel Raja

8.The Tamil Nadu Film Exhibitors Association,
No.2, Old No.16, Poes Road, 3rd Street,
Teynampet, Chennai – 600 018.

9.Chennai Cinema Theatres Owners Association,
152, Purasaiwalkam High Road, Kilpaur,
Chennai – 600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, based on the petitioner complaint dated 23.11.2016, directing the respondents 1 to 5 herein to take action against the cinema theatre owners in Chennai and Tamil Nadu whom going to collect excessive ticket charges through showing new movies such as “Singam 3 @ S3” etc., and to stop such cheating practice of cinema theatre owners and producers by collecting more than the government fixed movie ticket charges and excess ticket costs, and to return the excess money charged over the cinema ticket charges fixed by the Government.

For Petitioner : Mr.G.Devarajan
Party-in-Person

For Respondents : Mr.R.Silambannan
Additional Advocate General assisted by
Mr.S.Balamurugan, Government Advocate
- R1 to R5



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

WEB COPY

Mr.Nithyaesh Natraj – R8

No appearance – R6, R7 and R9

W.P.No.492 of 2017:

G.Devarajan

... Petitioner in Person

Vs

- 1.The Principal Secretary, Home (Cinema),
the Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 2.The Police Commissioner,
(Spl.Team – Cinema)
New Police Commissioner Office, Chennai – 600 007.
- 3.The Commissioner,
(Spl.Team – Cinema),
Head of the All District Collector,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 4.The Additional Chief Secretary and Commissioner,
(Spl.Team – Cinema), Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 5.The Principal Secretary and Commissioner,
(Spl.Team – Cinema), Commissioner of Commercial
Ezhilagam, Chepauk, Chennai – 600 005.
- 6.B.Venkatrama Reddy
- 7.B.Bharathi Reddy
- 8.The President, The Tamil Nadu Film Exhibitors Association,
Dr.Mailigai, No.2, Old No.16, Poes Road, 3rd Street,
Teynampet, Chennai – 600 018.



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

9. The President, Chennai Cinema Theatres Owners Association,
152, Opp. To Princy Tower,
Purasaiwalkam High Road, Kilpauk,
Chennai – 600 010.

10. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 5.
(R10 suo motu impleaded vide order dated
08.12.2022 made in W.P.No.492 of 2017
by ASMJ)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, based on the petitioner complaint directing the respondents 1 to 5 herein to take action against the cinema theatre owners in Chennai and Tamil Nadu whom going to collect excessive ticket charges through showing new movies such as “Bairavaa” etc., and to stop such cheating practice of cinema theatre owners and producers by collecting more than the government fixed movie ticket charges and excess ticket costs, and to return the excess money charged over the cinema ticket charges fixed by the Government.

For Petitioner : Mr.G.Devarajan
Party-in-Person

For Respondents : Mr.R.Silambannan
Additional Advocate General assisted by
Mr.S.Balamurugan, Government Advocate
- R1 to R5 & R10

No appearance – R6 to R9



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

ORDER

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These three writ petitions are more in the nature of Public Interest Litigations. They have been filed by an individual seeking a direction against the respondents to take action against cinema theatre owners in Chennai and Tamil Nadu who have, according to him, collected excess of ticket charges upon the release of three specific movies namely Bairavaa, Singham–III and Kabali. All three writ petitions are as on date infructuous.

2.This very petitioner had filed W.P.No.40173 of 2015 seeking the prayer of issuing a Writ of Mandamus directing the respondents to take action against the cinema theatre owners, in Tamil Nadu whom collected excessive ticket charges through showing new movies such as “Yennai Arindhal, Puli, Vedalam, Thoongavanam and Thanga Magan”, etc., to stop such cheating practice of cinema theatre owners by collecting more than the government fixed ticket charges and excess ticket costs and showing extra shows and to stop the hide and seek act of online booking and selling of movie ticket by the 7th and 8th respondents whom colluding with cinema theatre owners with the view to enable the cinema theatre owners to collect excessive ticket charges and the First Bench of this Court by order dated 17.03.2016 has held thus:



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“Admit. Learned counsels have entered appearance for the respondents. At request of learned counsel for the parties, the writ petition is taken up for final disposal.

2.The petitioner is aggrieved by the cinema theatre owners collecting charges in excess of the maximum ticket charge fixed by the State Government whether through on-line ticketing process or otherwise.

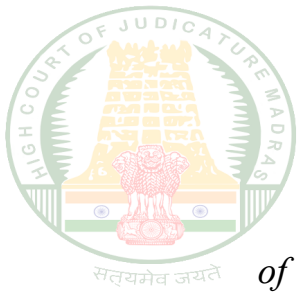
3.We, at the inception, had put a query to the petitioner appearing in person that people booking through on-line may be required to pay those charges separately. On this aspect, he does not dispute the position. But, he states that for new movies, the on-line charges itself have been shown as Rs.300/- or more for the booking, while the maximum price fixed is Rs.120/-. He further states that this is more prevalent outside the city limits of Chennai.

4.In order to appreciate the controversy, we had asked the State Government to place on record the Government policy of fixing the rates for cinema tickets. The same has now been placed on record.

5.It is stated on behalf of the respondents that Section 4 of the Tamil Nadu Entertainments Tax Act, 1939, provides for entertainment tax on each payment of admission to cinematographic exhibition in theatres located in Municipal Corporations, Municipalities, Special Grade Municipalities and in permanent and semi-permanent theatres located within five kilometer radius within the peripheral areas of Municipal Corporations and Special Grade Municipalities, as under:

- (a) at the rate of 30% in respect of new film;*
- (b) at the rate of 20% in respect of old film (means more than ten years old from the date of issue of certificate for the film for the first time under the Cinematograph Act, 1952) ; and*
- (c) in other areas, at the rate of 20% in respect of both new and old films.*

It is not necessary for us to go into the details except to state that Rule 83 (1A) (a) of the Tamil Nadu Cinema (Regulation) Rules, 1957, empowers the Licensing Authority to fix the rates of admission on each class in the theatre, the prevailing rates



of admission in similar theatres in similar localities within its jurisdiction and any other relevant factors.

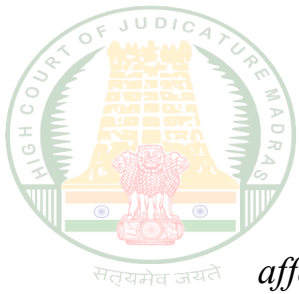
6.The Government is stated to have issued two G.Os. in this behalf. The first G.O. is only revision of rates earlier provided which has been issued on 20.05.2009. The Rules were amended to provide maximum and minimum rates of admission to A/c theatres and non-A/c theatres as also in multiplexes provided with special amenities.

7.It is not disputed that the maximum rate provided is Rs.120/- and the only exception is IMAX theatres in view of G.O. dated 06.01.2015 where the maximum has been provided at Rs.480/-.

8.The aforesaid being the position, if we revert to the typed set of documents filed with the petition, we find that the petitioner has been making representations from time to time, i.e. on 02.02.2015, 27.09.2015, 29.09.2015, 02.11.2015, 14.12.2015, giving therewith the material to support the allegation that the maximum limit is not being followed. In this behalf, an extract from the website has also been given showing tickets of Rs.300/- and Rs.250/-. The break-up shows the ticket cost as Rs.200/- with service provider fee of Rs.20/- and service tax, totalling to Rs.223/-. As an illustration, there is no quibble with the imposition of service provider fee or the tax, but the question is whether when the maximum charge is provided as Rs.120/-, Rs.200/- can be imposed. Even, according to the learned counsel for the respondents, the answer to this query would be in the negative.

9.Learned counsel for the respondents sought to emphasize that in some cases, the charge has been refunded and compounding charges imposed, while in one case penalty has been imposed. In this behalf, an order of the Commercial Tax Department dated 23.02.2015 has been produced.

10.On the conspectus of the matter, we are of the view that in so far as the legal position is concerned, there is no dispute. However, much is left to be done at the ground level, as obviously there are various violations. These violations have to be checked by the Commercial Tax Department as well as the Licensing Authority and not that the petitioner or other



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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affected persons should be called upon to litigate over these small amount of few hundred rupees arising from increased amount of charges beyond permissible limits. If the purpose of fixing the maximum fee is to provide a facility to the people to see the film at cheaper rates, this cannot be made illusionary and only applicable on paper without proper implementation.

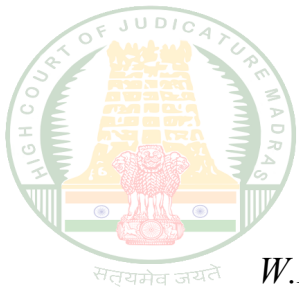
11. We, thus, direct the respondents to constitute a special team to monitor the aspects of such violations and inform the public at large through proper publicity, a methodology of giving such complaints telephonically to facilitate information to flow to the team. We would expect the team to take proper action so that there is translation, in fact, of the intent for which such a policy has been framed.

12. The needful be done within three (3) weeks from today.

13. Writ Petition is disposed of in terms aforesaid. No costs."

3. According to the petitioner, the respondents continue to be remiss in controlling the menace that he alleges and hence these writ petitions. An interim order had been passed on 12.01.2017 in W.P.Nos.43127 of 2016 and 492 of 2017 to following effect –

"Mr.G.Devarajan, has come to this Court with two writ petitions viz., W.P.No.492 of 2017 is filed against nine respondents seeking issuance of Writ of Mandamus or any other appropriate writ or order or direction, directing the respondents 1 to 5 herein to take action against the cinema theater owners in Chennai and Tamil Nadu who are going to collect excessive ticket charges through showing new movies such as 'BAIRAVAA' etc and to stop such cheating practice of cinema theatre owners and producers by collecting more than the government fixed movie ticket charges and excess ticket costs and to return the excess money charged over the cinema ticket charges fixed by the Government and pass such further or other orders and



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

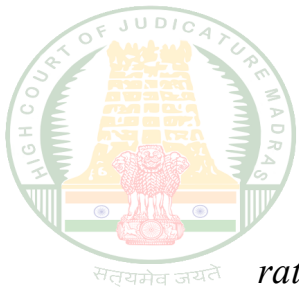
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W.P.No.43127 of 2016 is filed by him also sought for writ of Mandamus based on his complaint dated 23.11.2016 directing the respondents 1 to 5 to take action against the cinema theatre owners in Chennai and Tamil Nadu who are going to collect excessive ticket charges through showing new movies such as "SINGAM 3 @ S3" etc and to stop such cheating practice of cinema theatre owners and producers by collecting more than the government fixed Movie ticket charges and excess ticket costs and to return the excess money charges over the cinema ticket charges fixed by the Government.

2.With regard to similar prayer sought for in respect of 'BAIRAVAA' since he is pressing for interim relief pending the above mentioned writ petitions, in view of respondents 1 to 5 have filed counter affidavit, both the matters are taken up to answer the interim prayer.

3.Mr.G.Devarajan, appearing in person would submit that he being a resident of Chennai City and a frequent visitor of theatre to watch Tamil movies with his family to many of the theaters, every time, during the release of a new film, he pleads, the Rules set out by the Government in regard to collection of excess ticket charges are being violated by the theatre owners. More over, during the release of new film casting stars with high star value, The Cinema Theatre Owners are charging high rate over and above the charges fixed by the Government. As cinema Theatre Owners have no right to collect from the petitioner or from the public more than the Government fixed prices for issuing movie tickets, after several complaints in the matter of charging over and above the ticket fairs which is clear violation of provisions of the Act, he has been advised to file the present writ petitions for the above directions.

4.Adding further, he would also submit that he has also filed Crl.O.P.No.24124 of 2012, Crl.O.P.No.1395 of 2015 and W.P.No.40173 of 2015 for seeking the relief of direction, directing the respondents 1 to 5 to prevent the cinema theater owners from selling the movie tickets more than the actual price fixed by the State Government. Although the above said writ petition was allowed with a direction to the respondents to create a special team to prevent the selling of film tickets at high

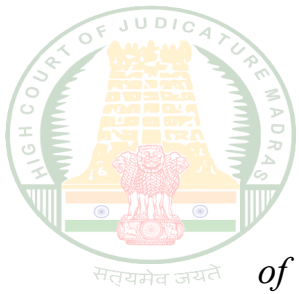


W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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rate and as against charges fixed by the authorities, the Theatre owners are still unmindful of legal consequences proceeded further by over charging the cinema goers. Therefore, the petitioner is also coming to this Court with the present writ petitions.

5. Continuing his submissions, he would further submit that when the rates of admission in Cinema Theatres located in Municipal Corporation, Municipalities, Town Panchayats, Village Panchayats fixing both minimum at for Rs.10/- in Municipal Corporation for A/C Theatre; minimum Rs.7/- for non A/C Theatres and maximum at Rs.50/- in A/C Theatre and maximum at Rs.30 for non A/C Theatres and similarly for Municipalities, Town Panchayats, village Panchayats are to be scrupulously followed, even today, the private Cinema Theatre Owners are not following the rules and regulations. Therefore, anticipating the producer and cinema theatre owners while screening a Movie titled as 'SINGAM 3 @ S3' which is going to be released in Cinema Theatres in Chennai and in Tamil Nadu, are going to collect extra charges more than the Government fixed ticket charges, he made a written complaint to 1. The Chief Secretary, Chennai, 2. The Commissioner of Police at Chennai and others and also lodged the complaint to the respondents under the impression that they will take appropriate action in this regard. But he is not able to get any reply and the complaint is still pending without taking any action thereon. Therefore, the petitioner has been advised to come before this Court with these writ petitions. When the complaint filed before the competent authority to take action has not been properly taken up for hearing, the prayer in this writ petition along with miscellaneous petitions, deserved to be accepted, by passing an interim injunction directing the respondents 8 and 9 not to collect more than the ticket charges as already fixed by the Government of Tamil Nadu in G.O.No.405 dated 20.05.2009 for Tamil Movie 'BAIRAVAA' which is going to be released in many Theatres from 12.01.2017 and another Tamil Movie 'SINGAM 3 @ S3' which is going to be released shortly. He has also brought to the notice of this Court one another order passed by the Hon'ble First Bench of this Court in his previous W.P.No.10473

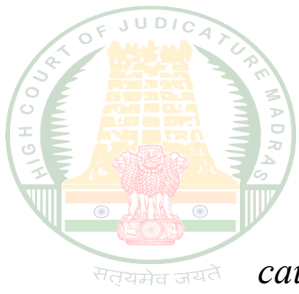


W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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of 2015 on 17.03.2016 wherein the direction has been given to the respondents therein stating that violations have to be checked by the Commercial Tax Department as well as the Licensing Authority without making the writ petitioner or other affected persons to litigate over these small amount of few hundred rupees arising from increased amount of charges beyond permissible limits. The said order further proceeded to direct the respondents to constitute a special team to monitor the aspects of such violations and inform the public at large through proper publicity, a methodology of giving such complaints telephonically to facilitate information to flow to the team. In spite of the above direction passed by the Hon'ble First Bench of this Court, the party-in-person pleaded, the directions of this Court to constitute special team to monitor the aspects of such violations, have not been complied with. Therefore, he sought for interim relief as prayed for.

6.A detailed counter has been filed by the second respondent/the Police Commissioner, Special Team-Cinema, New Police Commissioner Office, Chennai-600 007. Mr.C.Manisankar, learned Additional Advocate General appearing for the respondents 1 to 5 would submit that since the petitioner had already approached this Court in W.P.No.40173 of 2015, with an identical and similar relief, this Court considering the case of both sides on 17.03.2016, disposed of the said writ petition giving a direction to constitute a special team to monitor the aspects of such violations and inform the public at large through proper publicity. Pursuant to the said order, a suitable action was already taken by constituting various committees to monitor the complaints against the theatre owners charging rates for the tickets more than the prescribed rates. Such Monitoring Committees have been constituted not only for the city of Chennai but also for the other districts in the state of Tamil Nadu. More over, the mechanism for lodging complaints by the public and the manner in which they have to be dealt with are candidly prescribed under various circulars. The petitioner is also aware of the same. Therefore, today when there is a proper mechanism in place to take suitable action based on the complaints if received, there is no

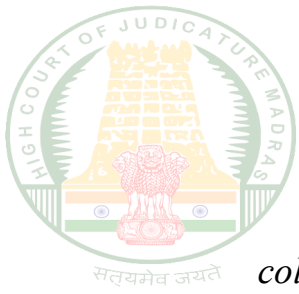


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cause of action for prosecuting the present writ petition. Adding further, the learned Additional Advocate General would submit that even much prior to the order passed by this Court by the First Bench of this Court in W.P.No.40173 of 2015 dated 17.03.2016, G.O.Ms.No.405 , Home (Cinema) Department dated 20.05.2009 was issued making suitable amendments with regard to fixing rate of admission to A/C Cinema Theatres and Non A/C Cinema Theatres in Municipal Corporation fixing both minimum and maximum ticket charges and similarly, in all theatres situated within the jurisdiction of municipalities, town panchayats, village panchayats, both minimum and maximum ticket charges are specifically mentioned. Therefore, now the owners of cinema theatres cannot charge over and above the ticket charges.

7. When the matter stands as above, pursuant to the constitution of Special Team to monitor all these aspects of such violations, in each district a separate master control room has been created for checking these violations in the case of Greater Chennai with the telephone No.044-23452359 and sufficient number of staff are posted to receive complaints from the public round the clock. The Special Team inspected some of the theatres concerned and found that out of 33 calls, 21 calls against 11 theatre were false and rest of the 12 phone calls against 10 theatres were true. Therefore, the Special Teams have booked the cases for the alleged offence against all these theares and imposed fine of Rs.1000/- each for violation of the provisions relating to the over charging. The details of the theatres suffering compound charges are furnished along with the typed set of papers, which clearly speak about action taken report by the respondents 1 to 5.

8. More over, in all other districts, the master control rooms are formed by allotting a separate telephone number, therefore, the apprehension made by the petitioner is wholly ill-founded. Therefore, the question of interim injunction does not arise. Adding further, he would further submit that the petitioner cannot make any complaint against cinema theatre owners well before the release of new movies titled as 'Bairavaa' and 'Singam 3' on a speculation that the cinema theatre owners will



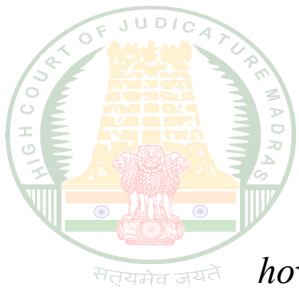
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collect ticket charges in excess of the prescribed rate. Adding further, he would further submit that if any cinema goers after visiting any of the theatres makes any complaint for over charging, entertaining such specific complaint, all the authorities including Commercial Tax Department will be taking suitable action in the manner known to law. Because the special committees are constituted along with master control room in greater Chennai and other Districts of Tamil Nadu. In support of his contention, he has placed on record, the action taken report till date, with regard to Kasi theatre at Ashok Nagar and other places.

9.A perusal of the documents and also the proceedings dated 12.04.2016 issued by the Commercial Tax Officer/Entertaining Tax Officer shows that the complaint was received from Mr.M.Babu on 10.04.2016 against Kasi Theatre, at Ashok Nagar, in respect of selling tickets at Rs.80/- instead of Rs.40/- for the movie 'Jungle Book' and action has been taken. Similarly, when one another complaint was received from one Mr.Kumar dated 12.04.2016 against Maharani at Thondiarpet in respect of selling tickets Rs.50/- instead of Rs.40/-. The records show that action has been taken by the inspecting team consisting of Mr.S.Dharmalingam (AC), Mr.Kadhiresan (RDO), Mr.Dhanapalan (CTO) in respect of over charges collected from cinema goers by Maharani Theatre while screening the movie 'Hello Naan Pei Pesuren' and imposed a fine of Rs.1,000/- on 25.04.2016 for the proved offence.

10.Entertainment Industry is a multi trillion dollar business that showcases the work, services, talent and creativity of a man or men. Entertainment can be fun, history of a hero, icon, leader etc., it can make you laugh and glad, weep and sad, think and happy.

11.Today the entertaining through performing dance, music with singers and instruments, with rapid growth, became more and more of a business and less of an art. Now due to invention of radio, television, film, newspapers and magazines, we have reached an important moment in the history of entertainment Industry. Social Media, digital distribution, the future of film and recorded music are causing a major shift in



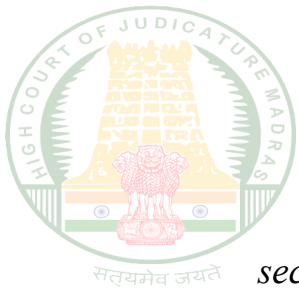
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how we entertain ourselves as well as how we create and provide entertainment.

12. Today the Artist and entertainers more importantly the film actors and heroes are capitalizing the power and value of entertainment for their personal use. Now-a-days, political leaders who are in the helm of affairs are also depending upon the film industry and its leading actors to propagate their ideals, messages, achievements and some time to capture political powers and retain the same.

13. The sacred form of creating art are turned into entertainment. Entertainment is surely necessary in our life. Human beings only have the sixth sense and know what is good and bad. Most of us will feel tired with heavy work and need some refreshment to continue our activities. Therefore, nature itself has gifted us both day and night. Had the nature not bestowed us with night and day, some of us mindless of the consequence disregarding the limit would work continuously without a break. When we work round the clock like a machine without refreshment or relaxation, then there is no difference between human and other beings, therefore, we must entertain ourselves to get relaxation, for entertainment will give refreshment to us and relax ourselves to get more energy. Besides day and night, every week end, we have holidays on Saturday and Sunday, moreover, summer holidays, winter holidays, festival holidays depending upon our religions. Therefore, knowing the need of entertainment, cinema theatres have come up with good in numbers in cities, towns, villages, etc., knowing the problems of the people, the Government also had issued G.O.Ms.No.405 dated 20.05.2009 to regulate the entertainment in cities, town and village level.

14. A further perusal of the documents filed before me would clearly show that some actions have been taken by the respondents, yet much work to be done.. Although, this Court is able to see that pursuant to the order passed by the Hon'ble First Bench of this Court in W.P.No.40173 of 2015 dated 17.03.2016, one of the writ petitions filed by the petitioners giving a direction to the respondents therein to constitute special team to monitor the aspects of such violations, the



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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second respondent has rightly constituted various committees for the Chennai District on 07.04.2016 and all other Districts to monitor and take necessary legal actions against the violation of the provisions relating to the rates of admission in cinema theatres functioning in the jurisdiction of Greater Chennai Police, still complaints of over charging are rampant across the State.

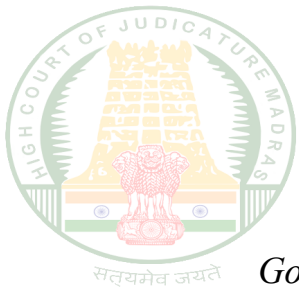
15. Therefore, this Court keeping in mind that the owners of various cinema theatres are bound by the G.O.Ms.No.405 prescribing both maximum and minimum rates of admission for A/C and non A/C theatres coming under the respective jurisdiction of Municipal Corporation, Municipalities, Town Panchayats and Village Panchayats, is inclined to injunct all the members of respondents 8 and 9 viz; all cinema theatre owners from collecting more than the prescribed rate from their ticket counters inside the theatre premises as fixed in G.O.Ms.No.405 (Home) Cinema Department, dated 20.05.2009, till further orders. Post the matter on 02.02.2017 for filing status report on the action taken by the committee.”

4. When this matter had come on 08.12.2022, the following order was passed –

“Read this order in conjunction with order dated 12.01.2017 that has been passed at the time of admission.

2. This Court has issued an order of injunction to R8 and R9, being the Presidents of the Tamil Nadu Film Exhibitors Association and Chennai Cinema Theatre Owners Association from collecting excess among the prescribed rate from the ticket counters and has directed the respondents to file a status report on 02.02.2017. Though some documents have been filed, there is no status report as such on the allegations of the petitioner.

3. Since the Commissioner of Revenue Administration, Ezhilagam, Chepauk, Chennai – 5 is a necessary party to look into the allegations of the petitioner, he is impleaded suo motu as R10 in W.P.No.492 of 2017. Mr.Vijay, learned Additional



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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Government Pleader accepts notice for the newly impleaded R10.

4.R10 will undertake surprise spot visits in as many theatres in the State as practically possible and file a status report in regard to the manner and mode of ticket sales, including, specifically the aspect of pricing. The specific points upon which attention will be devoted are:

i) Whether the prices at which tickets are sold conform to the ceilings that have been imposed in this regard.

ii) What is the frequency of the visits that are undertaken by the authorities to ensure monitoring of compliance of the Rules and Regulations concerned and

iii) What the members of the Roving Squad do in relation to the excess amounts, if any, detected to have been collected by the theatre owners.

5.List on 09.01.2023. Status report by then with an advance copy served upon the petitioner. Print the name of Mr.B.Vijay, learned Additional Government Pleader for R1 to R5 and R10.”

5.Status reports were also sought from the respondents to the present state of the offences alleged by the petitioner and two status reports have been filed by R10 that is the Commissioner of Revenue Administration.

6.Overall, the submissions are to the effect that necessary action has been taken as against errant cinema theatres. The petitioner has also tabulated, by way of affidavit, the results of surprise visits that had been conducted by the Cinema Monitoring Committee and the violations detailed by the respondents in various writ petitions filed by him to following effect :-

“



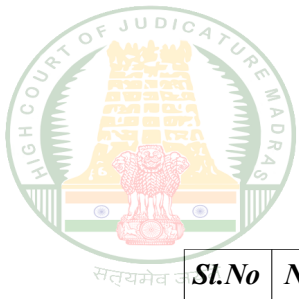
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1. I submit that in W.P.No.43127 of 2016 and W.P.No.492 of 2017, common interim order passed on 12.01.2017 by this Hon'ble court that excess rates collecting by all cinema theatre owner, prescribed rate from their ticket counter inside the theatre premises as fixed in G.O.Ms.No.405 (Home) Cinema Department, dated 20.05.2009.

2. I submit that without respecting the above order passed by this Hon'ble Court, all the theatre sold the ticket rate excess. All the Government Respondents conduct the enquiry and Compounding fee also received by them. The Respondent filed Counter and status reports.

3. I submit that in W.P No.43127/2016 the 2nd respondent filed Status Report on 22.02.2017 is extracted below:

Sl.No	Name of the Theatre	Name of the film	Raid conducted by	Rate considered by	Date of raid	Customer paid extra charges	Out come of raid
1.	Bharath theatre	Singam 3	Cinema monitoring committee	50/-	10.02.2017	Rs.100/-	Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 10.02.2017
02.	Maha Rani theatre	Singam 3	Cinema monitoring committee	80/-	10.02.2017	Rs.90/-	Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 10.02.2017
03.	MM theatre	Singam 3	Cinema monitoring committee	50/- 40/-	10.02.2017	Rs.90/- Rs.70	Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 11.02.2017
04.	Sri Shanmuga	Singam 3	Cinema monitoring committee	50/-	11.02.2017	Rs.100/-	Compounding fee Rs.1000 was imposed



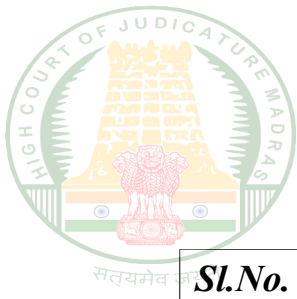
W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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Sl.No	Name of the Theatre	Name of the film	Raid conducted by	Rate considered by	Date of raid	Customer paid extra charges	Out come of raid
	<i>Theatre</i>						<i>on theatre by commercial tax officer on 15.02.2017</i>
05.	<i>Rohini Theatre</i>	<i>Singam 3</i>	<i>Cinema monitoring committee</i>	<i>67/-</i>	<i>13.02.2017</i>	<i>Rs.120/-</i>	<i>Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 14.02.2017</i>
06.	<i>Nadham uni Theatre</i>	<i>Singam 3</i>	<i>Cinema monitoring committee</i>	<i>Rs.14.50/- Rs.11.05</i>	<i>13.02.2017</i>	<i>Rs.120/- Rs.100/-</i>	<i>Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 14.02.2017</i>
07.	<i>Raj Theatre</i>	<i>Singam 3</i>	<i>Cinema monitoring committee</i>	<i>Rs.20/- Rs.15/-</i>	<i>14.02.2017</i>	<i>Rs.100/- Rs.80/-</i>	<i>Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 14.02.2017</i>
08.	<i>Kasi Theatre</i>	<i>Singam 3</i>	<i>Cinema monitoring committee</i>	<i>Rs.40/- Rs.30/-</i>	<i>14.02.2017</i>	<i>Rs.90/- Rs.80/-</i>	<i>Compounding fee Rs.1000 was imposed on theatre by commercial tax officer on 14.02.2017</i>

4. I submit that in W.P No.43127/2016 the 1st respondent filed Status Report on 03.03.2017 is extracted below.

Sl.No.	District	Report furnished	Remarks
01.	<i>Chennai</i>	<i>The special team constituted</i>	<i>In 13 cases action</i>



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

Sl.No.	District	Report furnished	Remarks
		<i>to monitor and take legal action against violation of admission in theatres. The special team inspected 33 theatres on 18.10.2016 in Chennai and booked the offence</i>	<i>has been taken against the theatre owners.</i>
02.	Krishnagiri	<i>2 Theatres (sun paradise and Ravi) has been booked for excess rate of admission in theatres, when inspected by the special Monitoring Team</i>	<i>C-Form License has been suspended for 7 days.</i>
03.	Coimbatore	<i>RDO Team Including Entertainment officer conducted inspection and found 6 Theatres guilty. Such as Raagam, Dhalam, Pallavi, Anupallavi, Central and kanagadhara</i>	<i>Collected fine for the excess rate of admission and remitted it into the Government Account.</i>
04.	Kanniyakumari	<i>No specific complaints has been received in this cell so far in this regard. But surprise inspection by RDO Nagercoil the unauthorized operation of Screen-III at Chakravarthy theatre was found.</i>	<i>The Screen III of chakravarthy theatre was sealed unauthorized operation.</i>

5. I submit that in W.P No.492/2017 the 2nd respondent filed Counter affidavit on 11.01.2017 is extracted below.

"The said Special team had inspected the 24 theatres, of which, only one theatre namely maharani found to the showing extra show on 22.07.2016 at 08.30 AM hours and I Dreams



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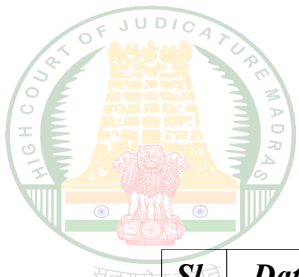


W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

(Brighton) Theatre found to be showing extra show and selling admission tickets in excess of prescribed rates on 22.07.2016 and three theatres namely SriBrinda, Sri Shanmuga and bharath found to be selling admission tickets at exorbitant rates, hence, the special team booked the offence and charged the compounding fee of Rs.1000/- for each offence".

6. I submit that in W.P No.34706 of 2016 the 1st respondent filed Counter affidavit on 01.04.2016 is extracted below.

Sl. No.	Date of complaint Received	Name of theatre	Complainant name	Subject	Actual Rate	Counter sale	Excess fare collected	Compound- ing fee
01.	09.4.2016	Kasi theatre	Babu	Excess rate	40	80	40	1000/- fine
02.	12.4.2016	Maharani theatre	Kumar	Excess rate	40	50	10	1000/- fine 25.04.2016
03.	12.4.2016	I Dream theatre	Arunkumar	Excess rate	50	90	40	1000/- fine 26.04.2016
04.	13.4.2016	I Dream theatre		Excess rate	45	70	25	1000/- fine 26.04.2016
05.	14.4.2016	Pankajam theatre	Aadhi	Excess rate	29.50	200	170.05	1000/- fine 21.04.2016
06.	18.7.2016	Sri Brinda Theatre	Ramadoss	Excess rate	30	200	170	Compound- ing fee Rs.2000/- (each Show fine 1000x2= 2000) 03.08.2016
07.	19.7.2016	Raj Theatre	Arunkumar	Excess rate	20	200	180	Compound- ing fee Rs.1000/- (excess fare) Rs.1000/- (DCR Not



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

Sl. No.	Date of complaint Received	Name of theatre	Complainant name	Subject	Actual Rate	Counter sale	Excess fare collected	Compound- ing fee
								Closed Rs.1000/- C Certificate not produces Total Rs.3000/- 02.08.2016
08.	28.7.2016	Bharath Theatre	Karthick	Excess rate	50	100	50	Compound- ing fee Rs.1000/- 02.08.2016
09.	28.7.2016	Bharath Theatre	Vetripandi an	Excess rate	50	100	50	Compound- ing fee Rs.1000/- 02.08.2016
10.	14.10. 2016	MM Theatre	Ponnu durai	Excess rate	50	70	20	Compound- ing fee Rs.1000/- 17.10.2016
11.	14.10. 2016	Rohini Theatre	Suresh	Excess rate	66	100	34	Compound- ing fee Rs.1000/- 17.10.2016

It is therefore most humbly prayed that this hon'ble court may graciously be pleased to take note of the above said facts and record the same and pass suitable orders and thus render justice."

7.The contents of orders dated 17.03.2016 and 19.06.2017 are reiterated.

The State shall continue with the measures for monitoring of ticket collection.

A suitable decision also be taken on the fate of excess charges found to have



W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

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been collected by the cinema theatres. As on date, the excess charges are retained by the theatre owners and the State only imposes a penalty for the violations detected.

8. These writ petitions are closed as above. No costs. Consequently, connected miscellaneous petitions are closed.

kbs

06.02.2023

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation: Yes/No

To

1. The Chief Secretary,
the Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.
2. The Police Commissioner, (Spl. Team – Cinema)
New Police Commissioner Office, Chennai – 600 007.
3. The Commissioner, (Spl. Team – Cinema),
Head of the All District Collector,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
4. The Commissioner, (Spl. Team – Cinema),
Commissionerate of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
5. The Commissioner, (Spl. Team – Cinema)
Commissioner of Commercial
Ezhilagam, Chepauk, Chennai – 600 005.



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W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017

Dr.ANITA SUMANTH, J.

kbs

- 6.Studio Green Films Production
13/6, 2nd Floor, Thanikachalam Road,
T.Nagar, Chennai – 600 017.
- 7.The Tamil Nadu Film Exhibitors Association,
No.2, Old No.16, Poes Road, 3rd Street,
Teynampet, Chennai – 600 018.
- 8.Chennai Cinema Theatres Owners Association,
152, Purasaiwalkam High Road, Kilpaur,
Chennai – 600 010.
- 9.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk, Chennai – 5.

**W.P.Nos.34706 & 43127 of 2016 & 492 of 2017 &
WMP.Nos.36959 of 2016 & 527 of 2017**

06.02.2023