

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY
AND
THE HON'BLE SRI JUSTICE M. GANGA RAO

WRIT APPEAL (SR) NO.11936 of 2021

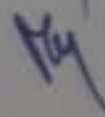
JUDGMENT: *(Per MSM,J)*

The 1st respondent in Writ Petition filed this Writ Appeal Under Clause 15 of Letters Patent is filed aggrieved by the order passed by the learned Single Judge in W.P.No.8266 of 2021, dated 09.04.2021 issuing a direction to the respondents which is as follows:

"In view of the submissions made by Sri K. Durga-Prasad learned counsel for the petitioners and keeping the practicality of the issue in mind, the respondent authorities are directed to permit the sale of the tickets at the rates which had earlier been fixed by the exhibitors and without reference to the limits fixed under G.O.Ms.No.35, dated 08.04.2021, for a period of three days from today i.e., till 12.04.2021".

The Order is challenged mainly on the ground that when the G.O came into force on the date of its issue keeping it in abeyance without any reason is illegal and there was no pleading in the writ affidavit about the sale of tickets in advance to the cine goers. But, the learned Single Judge passed an order on the presumption that tickets were sold to the cine goers in advance and thereby in the absence of any such plea, the order is illegal and requested to set aside the same.


2. During hearing, Sri S. Sriram, learned Advocate General for the State would contend that when a G.O. is passed and it came into force, fixation of ticket rates by the Theatre Owners for exhibiting film is totally in violation of the G.O and the G.O was



passed based on the earlier judgments of this Court in the Order in W.P.Nos.18779 of 2014 & Batch dated 31.10.2016. In terms of the guidelines issued in the said judgment, a Committee was constituted consisting of Chief Secretary as a Chairman and other Members in the year 2020 and therefore a meeting was held and submitted a report and on the basis of the said report, the rates were fixed by the Government for different theaters classifying in four (4) areas and three (3) types of theaters in three (3) classes i.e., Economy, Deluxe and Premium in all three types of theatres. Therefore, passing such order without any pleading regarding the selling of tickets in advance for exhibiting the film in the cinema theaters and keeping the G.O in abeyance indirectly for a period of three (3) days is a clear illegality and requesting to set aside the order challenged in this Writ Appeal.

3. Sri K. Durga Prasad, learned Counsel representing Sri Peeta Raman, learned Counsel for the respondents contended that this order was passed permitting to collect the rates fixed by them for exhibiting the film in the cinema theatres of these writ petitioners as they already sold the tickets for all these three days and he fairly submitted that they will not sell the tickets for higher rates after three days and requested to limit the order to the tickets already sold in advance and if any tickets are sold at the counters, the appellant/respondent No.1 is entitled to inspect the theatres and take appropriate action against them.

4. Undoubtedly, the G.O.Ms.No.35, dated 08.04.2021 which came into force on the same day itself and the Theater Owners are started exhibiting the film in cinema theaters from 09.04.2021 onwards. The impugned order was passed on 09.04.2021 and it is



limited for three (3) days only, almost two (2) days are over and only one day is remaining. In view of the submissions made by Sri K. Durga Prasad, learned Counsel for respondents in the Writ Appeal and the petitioners in the Writ Petition fairly that the order be limited to tickets already sold in advance while permitting the authorities to take appropriate action against the theater owners who sell the tickets for higher rates at the counters of the cinema theaters from tomorrow onwards.

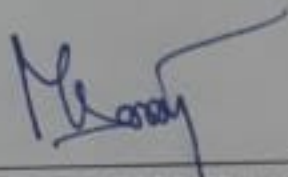
5. Several other contentions were raised in the Writ Petition itself regarding possibility of exhibiting films at the rates fixed by the Government. This Court at this stage cannot decide such issue while deciding the legality of the interim order passed by the learned Single Judge. Hence, taking into the factual situation into consideration more particularly about the sale of tickets in advance, which is in vogue, the order passed by the learned Single Judge is limited to the tickets already sold and if any tickets are sold at the counters it must be at the rates fixed in the G.O.Ms.No.35 dated 08.04.2021 for the reason that the tickets were already sold at the rates fixed by theatre owners. According to the learned counsel for the respondents herein, it is difficult to refund the amount to the cine goers who purchased the tickets in advance and it will create lot of confusion. Therefore, keeping in view the difficulties expressed by the Theater Owners/Respondents herein, we deem it appropriate to limit the order of the learned Single Judge to tickets already sold in advance while giving liberty to the officials of the appellant herein to inspect the theaters and if the officials found that the theaters selling tickets at higher rates than the rates fixed in the G.O at the counters, they can take

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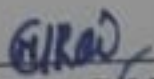
action in accordance with law. The officials cannot take any action against the cine goers who purchased the tickets in advance or for sale of tickets in advance as per the rates fixed by the theatre owners not withstanding in the G.O impugned in the main Writ Petition.

7. In the result, this Writ Appeal is allowed in part limiting the order of the learned Single Judge to the tickets already sold (advance booking tickets) for the Cinema "**Vakeel Saab**" till 12.04.2021. Further, the officials of the appellants are at liberty to inspect the theaters and if the officials found that the theaters selling the tickets at higher rates than the rates fixed by the Government at the counters, they can take action against them in accordance with law. No costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Appeal, shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY



JUSTICE M. GANGA RAO

Date: 10-04-2021
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