

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**WRIT PETITION NO.25602 OF 2020**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, declaring the action of the respondents in not permitting the petitioners to run their theatres as per the rates mentioned in their applications though G.O.Ms.No.100 dated 26.04.2013 issued by the first respondent is set-aside by virtue of orders passed in W.P.No.18779 of 2014 and batch dated 31.10.2016 allowing the cinema theatres to run as per the rates informed to the licensing authority as illegal and arbitrary and to permit the petitioners to collect price deemed appropriate by them as per their applications dated 15.12.2020.

It is the contention of the petitioners that cinema trade is regulated by A.P. Cinemas (Regulation) Act, 1955 and A.P. Cinemas (Regulation) Rules, 1970 and batch of writ petitions were filed by various theatre owners questioning the validity of the orders passed by the Government in G.O.Ms.No.181 dated 11.07.2011 as being arbitrary and illegal and contrary to the provisions of the Act and Rules. G.O.Ms.No.188 Home (General. A.1) Department dated 19.11.2012 was issued appointing a High Power Committee with the following seven members:

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| 1. Chief Secretary to Government             | - Chairman |
| 2. Principal Secretary to Govt. (Revenue-CT) | - Member   |
| 3. Principal Secretary to Govt. (MA-UD)      | - Member   |
| 4. Principal Secretary to Govt. (Finance)    | - Member   |
| 5. Commissioner & Ex. Official Secy (I&PR)   | - Member   |
| 6. Principal Secretary to Govt. (IT)         | - Member   |
| 7. Special Chief Secretary to Govt. (Home)   | - Member   |
- (Passports, Fire and Cinematography)

The above Committee submitted its report making certain suggestions for fixing highest rate of ticket for admission depending upon the area. The petitioners filed an application before the licensing authorities concerned for enhancement of rates which is still pending consideration before the authorities. In terms of the orders passed by this Court, the first respondent is required to notify the recommendations made by the High Power Committee and the first respondent does not have any power to sit in any further judgment over the said recommendations or make any contrary notification. The recommendations of High Power Committee to the extent of revision of prices for the lowest class are absolute and cannot be altered by the first respondent and beyond the scope of the authority available to the first respondent under the Rules framed thereunder. But, the respondents are interfering with the fixation of ticket rates.

However, learned Government Pleader for Home submitted that, in similar situation, earlier in W.P.No.9734 of 2019 and batch, the learned Single Judge of this Court by following the common order in W.P.No.18779 of 2014 and batch, permitted the petitioners-theatres therein to run their respective theatres by collecting their proposed fares. However, it was made clear that the petitioners shall inform the authorities concerned as to the ticket rates which they intend to collect in respect of all classes till adjudication of the issues in question by the respective committees.

Learned Government Pleader for Home placed on record Circular Instructions issued by Government of Andhra Pradesh dated 18.11.2020, wherein, the Principal Secretary to Government, Home (General. A) Department permitted phased reopening of all cinemas/theatres/multiplexes in the district with upto 50% of seating capacity, in the areas outside containment zones with effect from 15.10.2020 and laid down certain guidelines to be followed to reduce the risk of transmission of Covid-19; and circular instructions issued by the Government of Andhra Pradesh from time to time and the Standard Operating Procedure issued by Ministry of Information and Broadcasting, Government of India dated 06.10.2020 for exhibition of films on preventive measures to contain spread of Covid-19.

Recording the submission of the learned Government Pleader for Home and having regard to the direction referred supra, the present writ petition is disposed of permitting the petitioners to collect the rates of admission as mentioned in their respective representations to the respondents for the Telugu movie "KRACK" which is proposed to be released soon, subject to strictly adhering to the circular instructions issued by the Government of Andhra Pradesh from time to time and Standard Operating Procedure issued by Ministry of Information and Broadcasting, Government of India dated 06.10.2020 for exhibition of films on preventive measures to contain spread of Covid-19 and subject to compliance of direction issued in earlier order passed in W.P.No.9734 of 2019 and batch, following the order of Division Bench in W.P.No.18779 of 2014.

With the above direction, writ petition is disposed of.  
No costs.

Registry is directed to annex copy of Standard Operating Procedure issued by Ministry of Information and Broadcasting, Government of India dated 06.10.2020 for exhibition of films on preventive measures to contain spread of Covid-19, to this order.

Consequently, miscellaneous applications pending if any, shall stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

Date: 31.12.2020

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