



W.P.No.33181 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.33181 of 2017

and

WMP.Nos.36593 & 36594 of 2017

Woodlands Theatres
25, West Cott Road,
Royapettah, Chennai – 600 014.
Rep by its Partner.

.. Petitioner

Vs.

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

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari, to call for the records and quash 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 Tamil Nadu.

For Petitioner : Mr.S.Ravi

for M/s.Gupta and Ravi

For Respondent : Mrs.V.Yamunadevi, Special Govt. Pleader

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ORDER

Challenge in the writ petition is to the fixation of parking fee in cinema theatres in various areas situate in Tamil Nadu.

2. Rule 91(B) was introduced to the Tamil Nadu Cinemas Regulation Rules, 1957 empowering the State to fix parking charges for the vehicles that are parked in the cinema theatres in the state. The validity of the Rule was upheld by the Division Bench of this Court in *The State of Tamil Nadu rep. by its Secretary to Government Vs. Bhurah Sheriff* reported in *2010 (5) CTC 538*. The Division Bench while upholding the Rule, however directed the Government to re-fix the fee after hearing the objections from the theatre owners. It is pursuant to this direction of the Division Bench, the impugned Government Order has been issued fixing the parking charges as follows:-



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Sl.No. (1)	Area (2)	Parking Fee (3)		
		Car/ Three Wheeler (Motor) (a) Rupees	Two Wheeler (Motor) (b) Rupees	Cycle (c)
1.	Municipal Corporations/ Municipalities Special Grade	20.00	10.00	Nil
2.	Municipalities other than Municipalities Special Grade	15.00	7.00	Nil
3.	Town Panchayats/ Village Panchayats	5.00	3.00	Nil

3. It is the rationale behind this fixation that is challenged by the petitioner. Even in the representation of the cinema theatre owners sent to the Government on 14.07.2017 it has been pointed out that the parking rates in every other places except cinema theatre is higher. The following examples have been cited by the Federation of Cinema Theatre Owners:

Chennai Central Station	: Rs. 50 per hour (Premium)
Chennai Central Station	: Rs.25/- per hour (Ordinary)
Flower Bazaar area	: Rs.25/- for first two hours
T.Nagar Panagal Park	: Rs.50/- for first two hours
Air Port	: Rs.150 per hour.



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4. These were the charges levied by the Chennai City Municipal

Corporation and the railway Authorities even in the year 2017. On a comparison of the charges that has been levied by the Corporation and the railway Authorities for parking in public places, I find that the fixation of Rs.20/- for a four wheeler for the entire duration of the film and Rs.10/- for two wheeler is very low.

5. The Division Bench has issued a positive direction to fix reasonable rates after taking into account the views of the stakeholders. The order impugned does not reflect the views of the stakeholders. A specific averment is made in the affidavit filed in support of the writ petition to the effect that the charges are too low when compared to the parking fees levied by the Corporation and other Municipal Authorities even during the year 2017. Even in the counter filed in this writ petition there is no reference to the charges levied by other authorities and the counter is silent about the claim of the petitioner that the other authorities viz., Municipalities and Railways are charging much higher parking fee. The allegation in the affidavit made on a comparative analysis remains un-controverted.



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6. Hence, the writ petition is **allowed** the impugned Government Order is quashed. There will be a direction to the Government to re-fix the parking charges taking in to account the parking charges levied by the Corporation and Municipalities for their facilities. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index : No

Internet : Yes

Speaking order

To:-

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



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R.SUBRAMANIAN, J.

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