



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY, TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S. SOMAYAJULU
WRIT PETITION No. 5298 of 2022

Between:

M/s Sree Rama Krishna Chitra Mandir, Rep. by its Proprietor, B. Someswararamma
W/o. Late Sominaidu, Aged 75 years, Occ Payakaraopeta, Visakhapatnam.

....Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary Home (General.A.)
Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector and Licensing Authority, Visakhapatnam District.
3. The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
4. Tahsildar, Payakaraopet Mandal, Visakhapatnam District
5. Station House Officer, Payakaraopet Police Station, , Visakhapatnam District

..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents No.2 to 5 in interfering with the petitioner's theatre and thereby stopping the exhibition of movies without issuing any notice as illegal, arbitrary and violation of Principles of natural justice and fundamental rights guaranteed under Article 19(1)(g) of the Constitution of India and to consequently direct the respondents not to interfere with the theatre of the petitioners.

I.A.No. 1 of 2022 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the respondents No.2 to 5 not to restrain the petitioner from screening/exhibiting the films in its cinema theatre, pending disposal of W.P. No. 5298 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V.V. Satish, Advocate for the Petitioner and of the Govt. Pleader for Revenue on behalf of respondent Nos. 2 to 4 and of the Govt. Pleader for Home for respondent No.5, the Court made the following

ORDER :-

"Heard the learned counsel for the petitioner and the learned Government Pleader for Home, appearing for respondent No.5.

Learned Government Pleader for Revenue appearing for respondent Nos.2 to 4 seeks time to get his instructions.

The instructions given to the learned Government Pleader for Home are to the effect that they did not interfere in the screening of the new cinema in the petitioner's theater or in any other issue. According to the instructions the police officials merely went there to provide bundobust duty for the new film that is released.

Contd..2...

After hearing the counsel for the petitioner and considering the submissions what he has submitted and noticing the earlier orders passed, wherein the power of the Government of fix the rates itself is the subject matter of the challenge in W.P.No. 27268 of 2021 and batch and also considering the interim order passed therein, this Court is of the opinion that the issues raised in the Writ Petition merit consideration. Interim order granted by the learned single judge was also confirmed in part by the Division Bench. Thereafter in another case in W.P.No.31230 of 2021, a similarly placed exhibitor has approached this Court stating that revenue officials have highhandedly closed his theater. This Court was convinced and passed orders restraining the respondents there in from interfering with the petitioner's business activity. In this case also the petitioner submits that pursuant to the order passed by the learned single Judge as confirmed by the Division Bench he has submitted a representation to the Joint Collector for fixing the rates of admission, but the Joint Collector has not yet taken any decision.

Considering all of the above earlier orders passed by the learned Division Bench in W.P.No.31230 of 2021 and the orders in the batch this Court is of the opinion that the petitioner has made out a case for interference at this stage.

Accordingly there shall be a direction to respondents 2 to 4 not to restrain the petitioner from screening or exhibiting the film in his theater till the next date of hearing.

List on 07.03.2022."

//TRUE COPY//

Sd/- K.J.Raja Babu
ASSISTANT REGISTRAR

SECTION OFFICER

To

- 1.The Principal Secretary, Home (General.A.) Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
- 2.The District Collector and Licensing Authority, Visakhapatnam District.
- 3.The Revenue Divisional Officer, Narsipatnam, Visakhapatnam District.
- 4.Tahsildar, Payakaraopet Mandal, Visakhapatnam District.
- 5.The Station House Officer, Payakaraopet Police Station, , Visakhapatnam District.
(Addressee Nos. 1 to 5 by RPAD)
- 6.Two CCs to the G.P. for Revenue, High Court of A.P., at Amaravati(OUT)
- 7.Two CCs to the G.P. for Home, High Court of A.P., at Amaravati(OUT)
- 8.One CC to Sri V.V. Satish, Advocate(OPUC)
- 9.One spare copy.

TKK

HIGH COURT

DVSS.J

DT.28-02-2022.

ORDER

W.P.No. 5298 of 2022.

DIRECTION

