

APHC010551342024

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

[3483]

**WP(PIL) NO: 198 of 2024**

S. Venkateswarlu

...Petitioner

Vs.

Union of India and others

...Respondents

Advocate for Petitioner:

Mr. Gundala Siva Prasada Reddy

Advocate(s) for Respondent(s):

Mrs. S. Pranathi, Spl. Government
Pleader**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI****DATE : 4th December 2024****P C :**

Notice to the respondents, returnable in eight weeks.

2. Service is waived by Mrs. S. Pranathi, Special Government Pleader, on behalf of respondent Nos.4 to 7.

3. The present petition has been filed purportedly in Public interest challenging the Memo No.2641307/General.A/A1/2024, dated 02.12.2024, issued by the Principal Secretary, Home (General-A) Department of the Government of Andhra Pradesh, whereby the respondent Nos.13 and 14 had been permitted to screen 6 shows on 05.12.2024 and 5 shows from 06.12.2024 to 17.12.2024. Apart from this, by virtue of the memo impugned, the said respondents have been permitted to charge Rs.800/- + GST on

04.12.2024 in regard to their premier show. The memo impugned also fixes various rates for the tickets for various classes in theatres and multiplexes.

4. The petitioners' grievance is that, the impugned memo permitted the private respondents to collect the higher rates for a period more than 10 days which was otherwise prescribed as per G.O.Ms.No.13.

Reliance was also placed upon an earlier order of this Court on 25.09.2024 in W.P.(PIL) No.162 of 2024, which pertains to the screening of the movie 'DEVARA', wherein this Court had ordered that the right of the private respondents in that petition would be restricted to charging enhanced ticket rates for a period of 10 days only from the date of release of the movie.

5. Another issue that has been highlighted is that, in G.O.Ms.No.13, it was compulsory for the theatre owners to screen a small budget film on any day between 11:00 A.M. and 09:00 P.M., which would not be possible if the film of the private respondents is to be screened for all the shows.

6. It was also urged that there was no basis for the official respondents to increase the ticket prices and that the decision taken by the official respondents by virtue of memo impugned was illegal and arbitrary. A prayer is also made that an investigation be also ordered by the Income Tax Department and the Directorate of Enforcement to find out as to whether the production cost was more than Rs.100 Crores or not, as there is an element of *quid pro quo* for allowing the benefits as were given to the private respondent Nos.13 & 14.

7. We have heard learned counsel for the parties.

8. It can be seen that G.O.Ms.No.13 had envisaged prescribing separate rates for the tickets for a period of 10 days from the date of release of the movie on a case to case basis where the cost of production is more than Rs.100 Crores excluding the remuneration of heroes, heroines and

directors. The condition precedent was that at least 20% of the shooting would be done in the State of Andhra Pradesh.

9. By virtue of the memo impugned, it appears that the Government, after considering the representation of the private respondents, accorded permission to screen additional shows and permitted the said respondents to collect higher rates as had been prescribed in the said memo.

10. Insofar as the prayer of the petitioner as was urged by learned counsel for the petitioner that an enquiry/investigation be ordered through the Income Tax Department and the Enforcement Directorate, the same on the face of it is a prayer which is made casually without there being any basis laid by the petitioner in the petition.

In fact, the enquiry and the investigation is sought to find out as to whether actually the private respondent Nos.13 & 14 had incurred a cost of more than Rs.100 Crores and whether the film produced was super high budget film which would have warranted the concessions which were otherwise envisaged in terms of G.O.Ms.No.13. What the petitioner wants us to order in fact would be in the nature of a roving enquiry which is otherwise impermissible. The prayer made to that extent is rejected.

11. Insofar as screening of 5 shows is concerned, on a daily basis, while learned counsel for the petitioner would urge that the same is impermissible inasmuch as at least one show out of the 5 shows ought to have been reserved for a low-budget film in terms of G.O.Ms.No.13, yet, learned counsel for the petitioner has failed to place anything on record to show that there is a clash between the release of the present film and any other low-budget film during the said period. In the absence of any such material on record, we cannot interfere with the memo impugned on that ground.

12. Insofar as the rates for the tickets of the premier show is concerned, learned counsel for the petitioner has failed to satisfy us as to how

the fixation of the rates for the premier show in regard to high-budget films in any manner contravenes G.O.Ms.No.13, dated 07.03.2022.

13. Following the view which we had earlier taken in W.P.(PIL) No. 162 of 2024 and in terms of G.O.Ms.No.13, dated 07.03.2022, we order that the private respondents would be entitled to charge the higher rates as per the memo impugned only for a period of 10 days from the date of release of the movie i.e. 05.12.2024.

14. List on 29.01.2025.

DHIRAJ SINGH THAKUR, CJ

RAVI CHEEMALAPATI, J

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