

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (PIL) No.347 of 2017

ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ petition (public interest litigation) has been registered on the basis of a letter addressed by one Sri Vijay Gopal stating that the picture hall i.e., IMAX Large Screen at Prasads Multiplex, Saifabad (near tankbund), Hyderabad, is having 635 seats spread in 14 columns and 47 seats in a single row. There is no passage between seats and there is a clear violation of Clause 19(6) & (7) of Appendix-I to Rule 6 of Telangana (Cinema) Regulation Rules. It has also been stated that inspite of his complaint, nothing is being done in the matter.

Counter affidavits have been filed by the Director General, Telangana State Disaster Response & Fire Services Department, Hyderabad, and also by the Commissioner of Police, Hyderabad.

The counter affidavit filed by the Commissioner of Police, Hyderabad, in paragraphs 4 to 7 is reproduced as under:-

"4. It is further respectfully submitted that the petitioner herein namely Sri Vijay Gopal, R/o. H.No. 12-13-677/44, 2nd Floor, Kimtee Colony, Tarnaka, Secunderabad submitted a complaint in this office on 15.10.2016 against the management of the IMAX theatre for jeopardizing safety of Patrons by compromising on Seating Ratio and requested to

file an FIR against the theatre immediately and to take custody along with the proprietor of the theatre Sri Akkineni Ramesh Prasad and also book the HMDA and GHMC who gave permission to Screening area, as per the IPC and seize the large screen theatre until the seating capacity is made according to norms. This Respondent did not ignore the petition and action was taken by forwarding the petition of the Petitioner to the Deputy Commissioner of Police, Central Zone for conducting enquiry and submitting a report. Pursuant to my instructions, the Deputy Commissioner of Police, Central Zone through Lr.No.HC-3/RTI/5975/2016, dated 03.01.2017 submitted his report stating that he had personally inspected the premises of Big Screen of Prasad IMAX multiplex theatre situated at Budha Poornima, Necklace Road, Saifabad, Hyderabad. The existing seating arrangement in the theatre Prasad IMAX Multiplex (Big Screen) was granted Cinematograph License in Form-B bearing No.I-1, dated 12.04.2004 and the same was last renewed upto 20.04.2017. The said License was granted with certain conditions and the Management has fulfilled the said conditions and the same was verified during Annual Inspection of the theatre. The License is being renewed from time to time after due inspections of Technical Authorities i.e.

(a) Deputy Electrical Inspector, Secunderabad Sub-Division, Hyderabad,

(b) Executive Engineer (R&B), South Building Divisions and

(c) Assistant District Fire Officer, Central Zone, Legislative Assembly. Telangana State Disaster Response & Fire Services Department, Hyderabad and subject to the other conditions laid down in the Cinematography License. Further the continental seating arrangement provided in the IMAX Theatre effectively takes care of the gangway requirements by providing wider gangways on either side of the seating arrangements i.e. 1.50 meters provided as against 0.90 meters required as per the Andhra Pradesh Cinema (Regulation) Rules 1970 and also extra space is provided between any 2 rows of seats i.e. 0.40 meters as against 0.35 meters required as per the Andhra Pradesh Cinema (Regulation) Rules 1970. Each step of the theatre where the seats are affixed are of a width of 1.25 meters allowing free passage of patrons in case of emergency evacuation. The IMAX theatre safety features as provided include the provision of contrasting tread noses on all steps together with step-lights and hand-rails which are conveniently located in a way that they do not interfere with sightlines. Based on the above, report submitted by the Deputy Commissioner of Police, Central Zone on the complaint of Sri Vijay Gopal, a reply (dated 27.01.2017) was already sent to the Petitioner through registered post, which was acknowledged as received by the Petitioner. Hence there has not been any dereliction on part of this Respondent, as prompt action has been taken on the concerns raised by the Petitioner.

5. It is further humbly submitted that the Prasad IMAX Multiplex (Big Screen) was granted Cinemotograph License in Form-B bearing No.I/1, dt. 12.04.2004 with certain conditions and the seating plan was approved by the Government. The management has fulfilled the said license conditions and the license is being renewed from time to time after due inspections of Technical Authorities. Hence, the question of registering FIR against the management does not arise as no cognizable offence is made out.

6. It is humbly submitted that the matter is pending before the State Human Rights Commission and became subjudice, therefore, the Hon'ble Court may be pleased to direct the State Human Rights Commission to dispose of the petition in stipulated time.

7. It is humbly submitted that whether the new IMAX technology with different specifications and design than the one prescribed in Andhra Pradesh Cinema (Regulation) Rules 1970 can be permitted to continue by taking human safety into consideration is a new question which arose and it needs to be analysed by an expert committee. This respondent shall abide by the directions if any passed by this Hon'ble Court.

For the reasons stated above, it is, therefore, prayed that this Hon'ble Court may be pleased to pass appropriate orders as the Court may deem fit and proper in the circumstances of the case."

The Commissioner of Police, Hyderabad, has stated in the counter affidavit that licence was granted to IMAX theatre (big screen) with certain conditions and the seating plan was approved by the Government on 12.04.2004. Details have also been furnished in respect of space between different rows.

In the light of the aforesaid detailed and exhaustive reply, which does not point out any violation of any statutory provision of law, no further orders are required to be passed in the present petition.

Resultantly, the writ petition (public interest litigation) stands disposed of.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

16.03.2022
JSU