



ABSTRACT

Tamil Nadu Cinemas (Regulation) Rules, 1957 – Revise the parking fees for all the Cinema Theatres - Amendment to rule – Orders – Notification - Issued.

Home (Cinema) Department

G.O.(Ms) No.891

Dated: 30.11.2017

ஹேவிளம்பி – கார்த்திகை – 14
திருவள்ளூர் ஆண்டு, 2048

Read:-

1. G.O. (Ms) No.678, Home (Cinema) Department, dated 18.5.1999.
2. Judgement of the Hon'ble High Court of Madras in Writ Appeal No.47 to 56 and 824 to 827/2002, dated 17.8.2010.
3. Letter received from Tamil Nadu Cinemas Theatre Owners Federation, Chennai, dated 14.07.2017.
4. Letter received from Thiru. K. Kathirmathiyon Coimbatore Consumer Cause, dated 14.07.2017.
5. From the Additional Chief Secretary/Commissioner of Land Administration, Chennai Letter No.L2/4503/2005, dated 07.09.2017.

ORDER:

In the G.O. 1st read above, Notification fixing the parking fees to regulate the collection of fees for parking vehicles in the premises of the cinema theatres was issued by incorporating Rule 91-B in the Tamil Nadu Cinemas (Regulation) Rules, 1957, since many complaints were received from the public that the licensees of Cinema theatres were collecting exorbitant fees for parking vehicles like cycles, scooters and cars in the premises of the Cinema Theatres. As per the Rule 91-B of said rules.

The licensee of the cinema theatre may collect a fee for parking vehicles in the premises of the cinema theatre specified in the Table below:-

TABLE

Sl. No.	Area (1)	Fee to be collected (2)		
		Car Three wheeler vehicles (Motor) (a)	Two wheeler (Motor) (b)	Cycle (c)
1.	Corporation / District Head Quarters / Grade-I Municipalities	3.00	2.00	1.00
2.	Municipalities other than Grade-I Municipalities	2.50	2.00	1.00
3.	Town Panchayats / Village Panchayats	2.00	1.00	0.50

2. The Licensee of Rohini Movie Park, Chennai and other licence holders of the Cinema Theatres Challenged the above said Rule in W.P.No.10048/1999 etc., before the Hon'ble High Court of Madras. The Hon'ble Single Judge struck down the above said rule.

3. The Government filed Writ Appeals (No.47 to 56 and 824 to 827 of 2002 batch) against above said High Court order before the Division Bench of Madras High Court. The Hon'ble Division Bench in its order 2nd read above, dated 17.08.2010, set aside the order of Single Judge and allowed the Writ Appeals with the following directions:-

"However, at this distant of time, the Government cannot insist upon the same rates which have now become obsolete. The Government shall re-fix the parking fee after hearing the objections of the theatre owners and also the licensing authorities/District Collectors and re-fix the parking fee in accordance with law".

Challenging the above High Court order the licensee, Rohini Movie Park filed a Special Leave Petition (No.22158/2011) before the Hon'ble Supreme Court of India and the same was dismissed vide the Supreme Court of India order, dated 09.07.2013 as withdrawn.

4. As per the above orders of the High Court of Madras the Additional Chief Secretary to Government, Home, Prohibition & Excise Department called all the parties concerned (Writ Petitioners, President of Tamil Nadu Cinema Theatres Owners Federation and

Thiru. K. Kathimathiyon, Coimbatore consumer cause) for personal hearing on 14.07.2017 and they submitted their written statements also. The Additional Chief Secretary/Commissioner of Land Administration also sent his report and the reports from the District Collectors.

5. In the reference 3rd read above, the Tamil Nadu Cinema Theatre Owners Federation, Chennai indicated parking fees collected in various public places and stated that about 324 sq.ft is required for parking a vehicle and they are paying an average pay of Rs.10,000/- as salary per month to 20 persons to take care of the parking space. They have, therefore, requested to fix the rates taking into account the above facts.

6. In the reference 4th read above, Thiru. K. Kathirmathiyon, Coimbatore Consumer Cause contended that as per condition No.16 of "C" form licence of Tamil Nadu Cinemas (Regulation) Rules, 1957 it is the duty of the licensee to provide sufficient parking space and make necessary arrangement to look after the vehicles parked. Hence, as per the above licence condition there is no provision to collect parking fees at cinema theatres. He has further stated that as the consumers could use parking space only for 2 hours and for 4 shows the theatres could collect amount from four consumers. Hence, he has suggested that 200% increase is quite reasonable and the parking fee for any category should not be more than 10% of the ticket rates.

7. In the reference 5th read above, the Additional Chief Secretary/Commissioner of Land Administration, Chennai has recommended that average fee, which could be considered for fixation of fee for parking vehicles in the premises of cinema theatre arrived at as follows:-

AREA	CYCLE	Two-Wheelers (Motor)	Motor Car (Three/Four Wheelers)
Corporation	5	10	20
Municipalities	5	10	20
Town Panchayat/ Village Panchayat	2	5	10

He has further stated that in respect of Greater Chennai Corporation area, Rs.15/- for Two-Wheelers and Rs.30/- for Three/Four Wheelers may be considered, since, operational cost will be higher in Chennai.

8. The Government have examined the above suggestions of the stake holders, the Additional Chief Secretary/Commissioner of Land Administration and the licensing authorities in detail and decided to revise the parking fees for all the Cinema Theatres (including Multiplex Theatres) in the State of Tamil Nadu as given below. Accordingly, the Government

order that the parking fees for all the Cinema theatres including multiplex theatre in the State of Tamil Nadu be revised as given below:-

Serial 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

9. The appended Notification will be published in the Tamil Nadu Government Gazette.

(BY ORDER OF THE GOVERNOR)

**NIRANJAN MARDI
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT**

To

The Works Manager,

Government Central Press, Chennai-79.

The Additional Chief Secretary/Commissioner of

Land Administration, Chennai-5.

All District Collectors, (Except Chennai District).

The President, Tamil Nadu Film Exhibitors Association,

16, Poes Road, 3rd Street, Teynampet, Chennai-18.

The Commissioner of Police, Chennai-07.

Thiru K. Kathirmathiyon,

Coimbatore Consumer Cause,

38, 4th Floor, "May Flower Valencia"

1264-C, Avinashi Road, Nava India,

Coimbatore-641 004.

The President, Tamil Nadu Cinema Theatres Owners Federation,

"AGAJA" Flat No.4, Block B, New No.13, Raman Street,

T.Nagar, Chennai-17.

The Government Pleader,

High Court of Madras, Chennai-104.

Copy to:

The Finance Department, Chennai-9.

The Rural Development and Panchayatraj Department, Chennai-9.

The Municipal Administration and Water Supply
Department, Chennai - 9.

The Senior Personal Assistant to Minister
for (Information and Publicity), Chennai-9.

The Hon'ble Deputy Chief Minister's Office, Chennai-9.

The Hon'ble Chief Minister's Office, Chennai-9.

SF/SC.

//Forwarded by Order//

S. Balan

30/11/17

SECTION OFFICER

[Signature]
30/11/17

APPENDIX
NOTIFICATION

In exercise of powers conferred by section 10 of the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955), the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu Cinemas (Regulation) Rules, 1957:-

2. The amendment hereby made shall come into force with effect on and from the 1st day of December, 2017.

AMENDMENT.

In the said Rules, in rule 91-B, for the Table, the following Table shall be substituted, namely:-

"THE TABLE

Serial 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

NIRANJAN MARDI
ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

//True copy //

S. Rajan
30/11/17
SECTION OFFICER