

**IN THE HONOURABLE HIGH COURT OF MADHYA
PRADESH
PRINCIPAL SEAT AT JABALPUR**

WRIT PETITION NO...../2018 (P.I.L.)

PETITIONER... Mohammad Iquraam S/o Dr. R.U.

VERSUS

RESPONDENT

1.Cinapolis India Pvt. Ltd.
10th floor address D.L.F. two Horizon
Centre DLF-V Gurugram Haryana
122002
2.State of M.P. Through Chief
Secretary Vallabh Bhawan. Bhopal
(M.P)

REGULAR PUBLIC INTEREST LITIGATION

1. Particulars of the cause/order against which the petition is made.

(1) Date of order / notification / circular / policy / decision

(a) Bills of the food items purchased by the petitioner from the food lounge of respondent no. 1 (**Annexure P/1**)

(2) **Passed in (case or file number)** : Not Applicable

(3) **Passed by (Name and Designation of the Court, Authority, Tribunal etc)** : Not Applicable

(4) **Subject matter in brief:** This petition is being filed regarding infringement of the Article 14 Right To Equality and Article 19 Right to Freedom and Article 21 Right to Life of the Constitution. The petitioner himself is an aggrieved person on 8th of July 2018 the petitioner watched a movie named "**Sanju**" in Cinapolis Multiplex at Bhopal. The petitioner has bought 6 tickets and pay Rs. 240 per ticket **Annexure P/2** for the movie. During the interval

petitioner has bought certain food items from the food lounge of the respondent no. 1 such as popcorn, nachos. Water Bottle at exorbitant rates. Under the Madhya Pradesh Cinemas (Regulation) Rules, 1972 **Annexure P/3**. there is no such provision to sell food items in the theater or multiplex premises higher than the actual rate. Selling of food items at a higher rate is violation of the above rules as well as of the Constitution.

An additional plea has been made by the petitioner to permit the medically vulnerable persons like senior citizens, patients of diabetes, high cholesterol and blood pressure etc. to bring their own food.

2. The Antecedents of the Petitioner

- (i) The petitioner is a practicing advocate in Bhopal as well as he is a public spirited citizen of the country.
- (ii) The present petition under article 226 of the constitution is being filed by the way of PIL and the petitioner has no personal interest except for the fact that the petitioner is personally aggrieved by the unlawful policies of Respondent No. 1 in the same way that every citizen has been affected. The petition is being filed in the interest of the constitutional governance in the state.
- (iii) That the petitioner is filling the present petition on his own and not on the instance of someone else. The litigation cost including the advocate's fee and the travelling expenses of the lawyers are being borne by the petitioner himself.

3. Facts in brief

- (i) That the respondent no. 1 is one of the leading multiplex franchises of the country giving its services in various cities of Madhya Pradesh.
- (ii) That the respondent no. 1 is selling food items inside the multiplex premises at an exorbitant rates which is

violation of Madhya Pradesh (regulation) Rules,1972 and Constitution.

- (iii) That the Respondent No. 1 by not permitting medically vulnerable persons like senior citizens, patients to bring their own food is a grave violation of Article 21 of the constitution.
- (iv) That the respondent no. 2 does not make any rules or polices regarding the regulation of food items inside the multiplex and theatres.
- (v) That there are many other multiplexes and theaters running in Madhya Pradesh who are encouraging above ill practices.
- (vi) That the above policies of multiplex is causing infringement of fundamental rights of the citizens of the country
- (vii) The petitioner is personally aggrieved by the above policies of the respondents.
- (viii) The matter relates to the public interest.

4. Source

The petitioner himself is an aggrieved person.

5. Nature and Extent of the Injury Caused/ Apprehended.

- (i) The respondent no. 1 as well as other multiplex and theatres of the state are selling food items at a rate which is higher than the actual rates
- (ii) The respondent no. 1 is selling popcorn at a rate of 240 Rs. whose market price is not more than 50 rs. Other than that they are selling water at an exorbitant rate of 80rs liters whose market price is 15-20rs liters.

- (iii) By not allowing medically vulnerable persons like senior citizens, patients of blood pressure, diabetes etc. during the movie will seriously affect their health
- (iv) Young people can easily digest such food but medically vulnerable persons cannot digest it as it contains harmful chemicals like Mono sodium Glutamate (MSG) etc.
- (v) For a span of 3 hours medically vulnerable persons become helpless and remain abstain from food as they cannot consume such food items hence it is grave violation of Article 21 Right to life of Constitution
- (vi) By selling food articles at exorbitant prices the respondent no. 1 is encouraging unfair trade practices which itself is illegal.
- (vii) It is impossible for a middle class person to buy food items from the multiplex at such a higher rates. Hence it is against the concept of social welfare.

6. Issue raised was neither dealt with nor decided

The petitioner declares that the issue raised was neither dealt with nor decided by a court of law at the instance of the petitioner or to the best of his knowledge, at the instance of any other person.

7. Any representation etc. made

The petitioner has made no representation etc. to any authority or the respondents;.

8. Grounds

- (a) The above polices of Respondent no. 1 has infringing the constitution right granted under article 14 Right to equality article 19 Right to freedom and Article 21 right to life

- (b) Under the Madhya Pradesh cinemas (regulation) rules 1972 there is no such provision or rules which permits multiplex and theatres sell food articles at higher rates than the actual rates.
- (c) Respondent no 1 has no authority to sell food items at such higher rates and not permitting medically vulnerable person to bring their own food.
- (d) During the span of 3 hours in multiplex the medically vulnerable person had to remain abstain from consuming food item present in the food lounge of the multiplex as it could affect their health.
- (e) Other than respondent no 1 there are many other multiplexes and cinemas functioning in Madhya Pradesh who has illegally imposed above restrictions.
- (f) Respondent no 2 being the licensing authority of cinemas and multiplex in the state is legally bound to ensure that the Right to Life of the citizens does not get undermines hence this petition is being filled seeking the necessary relief in relation thereon .
- (g) Under the schedule 7 of the constitution cinemas comes under state list hence it is the duty of the state to regulate the provisions relating to cinemas and multiplex.
- (h) The rates of the food items inside the multiplex are very high such as the price of popcorn inside the multiplex is 240 rupees whose actual price in market is not more than 50 rupees similarly the price of water is 80 rupees per liter whose actual price is 15-20 rupees per liter .
- (i) Through higher prices respondent no 1 and other theatres and multiplexes are encouraging unfair trade practices which itself is prohibited by law.

(j) As multiplexes and theatres has already charged price on tickets hence charging higher price on food items is illegal encouraging unfair trade practices .

(k) Multiplexes and theatres intentionally keep costly food items in their food lounge so that the consumer had to pay extra charge for that food items even when they have other cheaper option available .

(l) The respondent No. 2 should make such guidelines and policies to regulate the prices of the food item in the multiplexes and theatres.

(m) There is no such provisions under Madhya Pradesh Cinemas(regulation) Rules 1972 which prohibits citizens to brings their own food items inside the multiplex .

9. Details of remedies exhausted.

The petitioner declares that there are no remedies available other than approaching this Hounrable High Court

10. Delay if any, the filling the petition and Explanation

No delay has been made in filling the petition.

11. Relief(s) prayed for

In the views of the facts and circumstances mentioned above and the grounds urged the petitioner humbly prays for the following relief(s)

- (a) Kindly issue appropriate writ, order or direction declaring the policies of Respondent No. 1 as ultravires of the Constitution, The Madhya Pradesh Cinemas (regulation) rules 1972
- (b) Kindly issue appropriate writ, order or direction to Respondent No. 2 to frame such rules and policies to regulate the price of food items in the multiplex as well as to allow medically vulnerable person to bring their own food.
- (c) Or this Honorable Court kindly *suomotu* frame guidelines and procedure to discourage the above ill practices
- (d) Any other remedy or relief which the Honorable Court may deem fit.

12. Interim order

The petitioner most humbly prays that this petition should be partly allowed and medically aggrieved persons like senior citizens, patients of diabetes, heart, high cholesterol etc should be allowed to bring their own food inside the multiplex till the petition is disposed by the Honorable Court.

13. Caveat

No notice of lodging a caveat by the opposite party is received

Place:- Jabalpur

Sandeep Umre

Date:- 16 July 2018 Counsel for the petitioner

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PETITIONER

Mohammad Iquraam

VERSUS

RESPONDENTS

Cinepolis India Pvt. Ltd. & others

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6	Copy of movie tickets	P/2	
7	Copy of M.P. Cinemas (Regulation) rules 1972	P/3	
8	Synopsis	P/4	
9	Vakalatnama		

Place:- Jabalpur

SandeepUmre

Date:- 16 July 2018 Counsel for the petitioner

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LIST OF DOCUMENTS

S. No.	Description of Documents	Date of Documents	Original/ copy	Number of page
1.	Copy of bill	08.07.2018	photocopy	
2.	Copy of movie tickets	08.07.2018	photocopy	
3.	Copy of M.P. Cinemas (Regulation) rules 1972		photocopy	
4-	Synopsis		Photocopy	

Place:- Jabalpur

Date:- 16 July 2018 Sandeep Umre

Counsel for the petitioner

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AFFIDAVIT

I, **Mohammad Iquraam** S/o Dr. R.U. Khan Address:- VIP-2/90 Sanjeev
Nagar Police society new jail road Bhopal (M.P.) do hereby
solemnly affirm on oath and state as under:-

1. That, I am the petitioner in the instant petition (PIL) and well conversant with the facts of the case.
2. That, the instant Writ petition (PIL) has been drafted under my instruction by my counsel and contents whereof from para 01 to 13 are correct to the best of my personal knowledge and believed to be true.
3. That, the documents filed along with instant petition as Annexures are true copies of its originals.

DEPONENT

VERIFICATION

I, Mohammad Iquraam ,above named deponent do hereby verify that the contents of this affidavit from para 1 to 3 are true to my personal knowledge and believe.

Verified and signed on 16th day of July 2018 at District Jabalpur (M.P.).

DEPONENT

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Chronology of events

Sr. No.	Date	Events
1.	08.07.2018	The petitioner watched the movie name "Sanju" in Cinepolis Multiplex at Bhopal

Place:- Jabalpur
Date:- 16 July 2018

SandeepUmre
Counsel for the petitioner

SYNOPSIS

The petitioner is a public spirited citizen and also aggrieved by the impugned policies of the Respondent NO. 1. As they are encouraging unfair trade practices by selling food items inside the premises of the multiplex at a very exorbitant rates which is much higher than the actual price which is causing serious hardship to the citizens.

Also an addition plea has been made by the petitioner regarding the infringement of Article 21 'Right To Life' of the medically vulnerable person such as senior citizens, patients of diabetes, high cholesterol, Heart etc. to bring their own food inside the multiplex as such restriction is a grave violation of the constitution

Other than the Respondent No. 1 there are many other theatres and multiplexes in the state that are encouraging above ill practices. The above ill practices are violation of The Constitution Of India and The Madhya Pradesh Cinemas (Regulation) Rules, 1972. Hence the indulgence and intervention of this Honorable Court is prayed to either direct the Respondent No.2 to frame proper guidelines or this Honorable Court *suomotu* frame guidelines and procedure to discourage the above ill practices