

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.4235 and 4236 of 2014
and
M.P.Nos.1,1,2,2,3 and 3 of 2014

M/s.Pubwatch
Rep. by its Partner,
S.Gopalakrishnan.

... Petitioner in
W.P.No.4235/2014

M/s.Amman Advertiser
Rep. by its Proprietor, S.Pushpa

... Petitioner in
W.P.No.4236/2014

vs.

1. State of Tamil Nadu Rep. by its
Secretary to Government,
Municipal Administration and Water Supply
(Election) Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Erode District,
Collectorate,
Erode - 638 011.
3. The Divisional Engineer, C & M
Highways Department, सत्यमेव जयते
Moolapalayam,
Erode - 638 002.
4. The Junior Engineer, O & M,
Tamil Nadu Electricity Distribution Circle,
Muthampalayam,
Erode,
Erode District.

... Respondents in
both the W.Ps.

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records relating to the order made in ந.க.எண்.24924/2013/பயு1/2 and ந.க.எண்.24924.2013/பயு1/1 dated 22.01.2014 on the file of the District Collector, Erode District/second respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy
For Respondents : Mr.R.Vijayakumar for R1 & R2
Mr.S.K.RameshKumar for R4.

O R D E R

The petitioners seek for quashing the order passed by the respondent dated 22.01.2014. By the said proceedings, the permission/license granted to the petitioners to erect the advertisement boards in the central median in a congested area in Erode town were rejected.

2. Earlier the petitioners approached this Court by filing W.P.No.264'6 and 26475 of 2013 respectively alleging that the cancellation of the permission/license granted to the petitioners were illegal and without following the principles of natural justice and that the license should be renewed in their favour. The said writ petitions were disposed of by this Court by order dated 26.09.2013 observing that the District Collector has passed the impugned order pursuant to the direction given by the Honourable Supreme Court, but the petitioners were not informed on what basis the order was passed. Therefore, this Court quashed the impugned orders dated 05.09.2013 and remitted the matters back to the District Collector to provide opportunity of personal hearing to the petitioners and thereafter passed orders. Pursuant thereto show cause notice was issued on 18.12.2013 calling upon the petitioners to appear for enquiry on 30.12.2013 at 4.00 p.m. The petitioners appeared for the said enquiry and also submitted their objections and thereafter, after affording an opportunity of personal hearing, the impugned proceedings have been passed. From the perusal of the impugned proceedings it is seen that there has been fully compliance of principles of natural justice. Therefore, the impugned orders cannot be found fault with.

3. On a perusal of the show cause notice, this Court is of the view that there is no description of the allegation made in the show cause notice. But one more factor which would show that the petitioner has violated by erecting 182 advertisement boards, when

the permission was granted only for 36 boards. Admittedly, the erection of the advertisement board in the central median proved to have affected the traffic and therefore, no right, as claimed by the petitioners, should be given to erect the advertisement boards in the central median. Therefore, this Court is of the view that no ground is made to interfere with the impugned order. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

vsm

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply
(Election) Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Erode District,
Collectorate, Erode - 638 011.
3. The Divisional Engineer, C & M
Highways Department,
Moolapalayam, Erode - 638 002.
4. The Junior Engineer, O & M,
Tamil Nadu Electricity Distribution Circle,
Muthampalayam,
Erode, Erode District.

+1cc to Mr.C.Munusamy, Advocate, S.R.No.10934
+1cc to Mr.S.K.RameshKumar, Advocate, S.R.No.11682
+1cc to the Government Pleader, S.R.No.11267

W.P.No.4235 and 4236 of 2014

VSN(CO)
CA(24/03/2015)