

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13119 of 2015

and

M.P.No.1 of 2015

S.Anand

... Petitioner

-Vs-

1. The Southern Railways
rep. By its General Manager,
Park Town, Chennai - 3.

2. The Southern Railways
rep. By its Senior Divisional
Commercial Manager,
Park Town, Chennai - 3.

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus to direct the respondents to refund the advance license fee along with the security deposit and removal charges with commercial rate of interest to the petitioner.

For Petitioner : Ms.V.J.Latha

For Respondents : Mr.P.T.Ramkumar

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is the Proprietor of M/s.Swamy's Publicity Service, which is the authorised advertiser and canvasser of Southern Railways for the past five decades and it was granted permission to display the advertisement boards/hoardings within the

railway premises and several parts of the city for a number of years and for that purpose, it is required to pay the license fee in advance for one year along with security deposit and removal charges. The normal period of license is from 1st April to 31st March of the succeeding year. The petitioner would further state that it has paid the licence fee in advance upto 31.03.2009 and also paid monthly rental advance for two months and totally, a sum of Rs.15,96,539/- representing the advance licence fee and two months rental advance was deposited for a period of one year viz., 2008-2009 upto 31.03.2009. The petitioner would further state that it has spent huge amount towards erection of hoardings and entered into contract with various third parties to display their products. However, on account of litigation, with regard to removal of hoardings in and around the city of Madras, Corporation of Chennai has initiated action for removal of such hoardings and it was also directed to be removed and in the said process, the petitioner had incurred huge loss of Rs.57,75,539/-. The petitioner submitted various representations to the second respondent either to permit them to re-erect the advertisement boards/hoardings or refund the amount already paid and the last of such representation was submitted on 07.02.2013 and since no response is forthcoming, the petitioner came forward to file this writ petition.

3.Ms.V.J.Latha, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 27.09.2011 and 03.02.2015 made in W.P.Nos.4622 of 2011 and 27491 of 2014 respectively and would submit that in similar facts and circumstances, this Court has directed the respective petitioner to submit a fresh representation, for refund of licence fee with a further direction to dispose it on merits and since the petitioner is similarly placed, appropriate orders may be passed.

4.Mr.P.T.Ramkumar, learned counsel accepts notice for the respondents and would submit that since the representation came to be submitted as early as 07.02.2013, the petitioner may be permitted to submit a fresh representation, enclosing the copies of necessary documents evidencing grant of licence and payment of advance licence fee and rental advance so as to enable the second respondent to consider and dispose of the representation within a stipulated time.

5.This Court, in the facts and circumstances, without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order, enclosing necessary documents to prove the grant of licence, payment of advance licence fee and rental advance and the

second respondent, on receipt of the same, is directed to consider the said representation in accordance with law and pass orders within a period of four weeks thereafter and communicate the decision to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1. The General Manager,
Southern Railways,
Park Town, Chennai - 3.
2. The Senior Divisional Commercial
Manager,
Southern Railways,
Park Town, Chennai - 3.

+1cc to M/s.V.J.Latha, Advocate, S.R.No.23764

+1cc to Mr.P.T.Ram Kumar, Advocate, S.R.No.23906

W.P.No.13119 of 2015

RSK(CO)
CA(18/05/2015)

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