

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..08..2015

CORAM

THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. Nos.24694, 21462, 22059 and 22093 of 2015
M.P.Nos.1,1, and 2 of 2015

Manikandan ..Petitioner in W.P.No.24694 of 2015

M/s.Latitude Media
represented by Partner
Chandrasekar @ Babu .. Petitioner in W.P.No.21462 of 2015

Kirubanandhajyothi .. Petitioner in W.P.No.22059 of 2015

Baskar .. Petitioner in W.P.No.22093 of 2015

Versus

The Chief Executive Officer,
St. Thomas Mount-cum-Pallavaram
Office of the Cantonment Board,
St.Thomas Mount,
Chennai 600 016. ..1st Respondent in all W.Ps

R.Baskar .. 2nd respondent in W.P.No.22059 of 2015

The Divisional Engineer
Tamil Nadu State Highways,
Chennai City Division,
Chennai. .. 2nd respondent in W.P.No.22093 of 2015

WP 24694/2015/3rd Respondent in WP:22059/2015

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, calling for the records pertaining to the impugned order dated 9.07.2015 in No.STM/REV/Advt./0895 on the file of the respondent and quash the same and further forbearing the

respondent from cancelling the allotment Letters No.STM/REV/Advt/425 dated 02.03.2015 and even No.0789 dated 20.06.2014, issued by the respondent, thereby preventing the respondent from removing the existing and proposed execution of hoarding at Cantonment areas.

WP 21462/2015: Calling for the relevant records of the respondent in No. STM/REV/Advt/0894 dated 09.07.2015 and quash the same.

WP 22093/2015: Calling for the records pertaining to the Impugned Order dated 9.7.2015 in Letter No.STM/ REV/ Advt/0888 on the file of respondent and quash the same and forbearing the respondent from cancelling the Allotment Letter No.STM/ REV/ Advt/0234-A issued by the respondent dated 16.2.2015 and thereby preventing the respondent from removing the existing and proposed execution of hoarding at Cantonment areas.

WP: 22059/2015: To call for the records in proceedings in Letter No.STM/ REV/Advt/0898 dated 9.7.2015 on the file of the 1st respondent and quash the same consequently direct the respondent to permit the petitioner to keep the Unipole Hoarding as mentioned in license.

For Petitioner :: Mr.D.Bennington
in WP.Nos.24694 and 22093 of 2015

Mr.Muthamizh
in W.P.No.21462 of 2015
Mr.V.S.Mannarsamy
in W.P.No.22059 of 2015

For Respondent :: Mr.G.Masilamani
Senior Counsel
for Mr.C.Mohan in
all Wps. For R.1 for
M/s.King & Portridge in WP 24694/2015

Mr.STS.Murthy
Government Pleader for R.2 in
WP.No.22093 of 2015
R3 in WP:22059/2015
Mr.G.Masilamani, SR.Advocate,
for R1 in WP 21462, 22093 and
WP:22059/2015.
Mr.S.P.Meenakshi Sundaram
for R2 in WP 23059/2015.

O R D E R

(Judgment of Court was made by The Honourable The Chief Justice)

On the basis of the pleadings and the submissions of the learned counsel for the parties, what emerges is really what we have already recorded in our earlier orders, including order dated 16.07.2015 in W.P.No.21462 of 2015 - the hoardings have been set up in a Hoarding Free Zone and that too, mostly on the land of the State Highways Authority. It is this which had culminated in the final notice issued by the Chief Executive Officer of the Cantonment Board for removing of the hoarding.

2.Learned counsel for the petitioner seeks some time for removing the hoardings, as these are unipolar hoardings which have a large structure. We grant one months' time for removing the hoardings, which can be taken away by the persons who have installed it.

3.In so far as compensating the petitioner is concerned, the learned Senior Counsel appearing for the Cantonment Board states that license fee for the period in question will be refunded back to the contracting parties within the same period of time. We are of the view that this refund cannot be without interest as the contractor has suffered both on account of the license fee paid as well as the expenses for installation of the hoardings. We grant 9% simple interest on the amount to be refunded which refund amount would be calculated for the period the contractors have not been able to enjoy the benefit of the license. The interest would be calculated from the date of its deposit with the Cantonment Board. It is open to the Cantonment Board to claim the interest paid from the delinquent Officer.

4. The aforesaid puts the controversy to rest, except to the extent that the then Chief Executive Officer of the Cantonment Board cannot get away by merely being posted out as he is responsible for the mess.

5. We direct that the enquiry be held by the Director General, Defence Estates, Raksha Sampada Bhawan, Ulaanbaatar Marg, Delhi Contt., 110 010, in this matter and the result of the enquiry be placed before us to ensure that the matter could be taken to its logical conclusion.

6. All the writ petitions stand accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

A copy of this order be forwarded to the Director General, Defence Estates, Raksha Sampada Bhawan, Ulaanbaatar Marg, Delhi

Contt.-110010 along with a copy of the earlier order dated 16.07.2015 in W.P.No.21462 of 2015.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ksr

To

1. The Chief Executive Officer, St. Thomas Mount-cum-Pallavaram Office of the Cantonment Board, St.Thomas Mount, Chennai 600 016.

2.The Divisional Engineer, Tamil Nadu State Highways, Chennai City Division, Chennai.

3. The Director General, Defence Estates,
Raksha Sampada Bhawan, Ulaarbaatar Marg,
Delhi-Contt.-110010 (with enclosure)

+2 cc to Mr.D.Benninten, Advocate, sr.43652, 43653.

+1 cc to Mr.S.P.MeenakshiSundaram, Advocate, sr.43651

+1 cc to Mr.V.S.Mannarsamy, advocate, sr.43593.

+1 cc to Mr.R.Muthamizh, Advocate, sr.43591.

+1 cc to The Govt.Pleader, sr.43870

+4 ccs to M/s.King & Partridge, Advocates, sr.44096, 44097, 44098, 44099.

W.P. Nos.24694, 21462,
22059 and 22093 of 2015

M.P.Nos.1,1, and 2 of 2015

ts(co)
kra(3/9)

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