

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.A.No.1955 of 2013 and M.P.No.1 of 2013
and W.P.Nos.7271 of 2012, 19411, 20163 and 20164 of 2015
and M.P.Nos.1 of 2012 and 1 of 2015 (3 Nos)

M/s.Ad View

Rep. By its Partner, A.P.Baskaran. . . [Appellant/Petitioner
in W.A.No.1955 of 2013]

-vs-

- 1.The Senior Divisional Commercial Manager,
Southern Railway, Divisional Commercial
Manager's Office, Chennai.
- 2.The Commissioner,
Corporation of Chennai,
Ripon Buildings, Chennai. . . Respondents/Respondent in both
WA &WP in W.A.1955/13 AND
w.p.7271/2012

Appeal filed under Clause 15 of the Letters Patent against the order made in W.P.No.13850 of 2012 dated 04.12.2012 on the file of this Court.

W.p.No.13850 of 2012:

For all the reasons stated in the accompanying affidavit prayed that this Hon'ble Court may be pleased to issue Writ of Mandamus, forbearing the 2nd respondent its officers subordinates or any one acting under or through him from in anyway interfering with the petitioners right to carry on its business by keeping the display boards/Vinyl pasting/Wall painting in the places allotted by the 1st respondent (i) On the wall at Madras Fort Station Facing MPK and (ii) In the abandoned Booking Office at the Madras Fort Station facing Dentrall College(iii) Wall ainting on the outside curve shape of Aluminium composite panel one side facing Madhya Kailash and the

other side facing Adyar Bus stop at KTBR Railway Station iv) Wall Painting below the curve shape of the Aluminium Composite Panel one side facing Madhya Kailash and other side facing Madhya Kailash and other side facing Adyar Bus Terminus on the space between pillars in the places allotted by 1st respondent under valid licence issued by the 1st respondent.

M/s.Ad Effect
Rep. By its Partner,

proprietor
T.Sowmynarahyan

...Petitioner in W.P 7271/2012

-vs-

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to forbear the 2nd respondent its officers, subordinates or any one acting under or through him from in anyway interfering with the petitioner's right to carry on its business by keeping the display boards in the places allotted by 1st respondent at i) Cross face to SRP Tools at Thiruvanmiyur Railway Station, ii) Steel Grill provided by the petitioner at Thiruvanmiyur Junction issued by the 1st respondent.

M/s.Ahuja Advertising
Rep. By its Proprietor, B.Naresh Kumar ...Petitioner (in
W.P.No.19411 of 2015)

M/s.Sreshta Ads,
Rep.by its Proprietor, A.Arockia Selva Kumar ...Wp.20163/15

M/s. Adspot,
Rep.by its Proprietor, S.Gokul Raj ..W.P.20164/2015

-vs-

1.The Senior Divisional Commercial Manager,
Southern Railway, Divisional Commercial
Manager's Office, Commercial Branch,
Salem.

2.Deputy Station Master,
Railway (Commercial),
Coimbatore Junction,

Plot No.1, Coimbatore.

3.The Commissioner & Deputy Commissioner,
Municipal Administration and Water Supply
Dept., Coimbatore.

4.The District Collector,
O/o The District Collector, Coimbatore. .. Respondents
(in W.Ps.19411,20163 and 20164/2015)

Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to forbear the 2nd respondent its officers, subordinates or any one acting under or through them or under them from in any manner interfering with the petitioner's right to carry on its business by keeping the display boards in the places allotted by 1st respondent appended to the petition.

i)Near Pillayar Temple circulating area at Coimbatore Railway Station.

ii)Near Water Tank Area, Avanashi Road Flyover, away from station premises, at Coimbatore Railway Station.

iii)Below Water Tank Area, Near Avanashi Flyover, away from station premises at Coimbatore Railway station.

iv)Below Water Tank Area, Near Avanashi Flyover, away from station premises at Coimbatore Railway station.

M/s.Sreshta Ads,
Rep. By its Proprietor, A.Arockia Selva Kumar. .. WP.20163/15
M/s.Adspot,
Rep. By its Proprietor, S.Gokul Raj. ..WP.20164/15

Petitions filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to forbear the 2nd respondent its officers, subordinates or any one acting under or through him from in anyway interfering with the petitioner's right to carry on its business by keeping the six Nos. of 15 x 8 single side Hoarding at away from Station premises, near Brook Band Road ROB, near Avinashi Road Flyover at Coimbatore Junction, total area of 360 sq.ft. and five Nos. of 15 x 8 single sided Hoarding near Railway track RH Side at KM 16/23-27, Avinashi Road Flyover at Coimbatore Junction, total

area of 600 sq.ft., in the places allotted by the 1st respondent.

For Appellant and
for petitioners : Mr.S.Rajendra Kumar
(in Wa 1955/13,WP7271/12)
for M/s S.K.P.Dilip Babu
(in WP 19411/15 and 20163 & 20164/2015)

For Respondents
for R-1 in WA &
WP.7271/2012,
for RR 1 to 3 in WP.
19411/2015 and for
RR 1 and 2 in WP.Nos.
20163 & 20164/2015 : Mr.P.T.Ramkumar

For R-2 in WA & WP.
7271/2012 : Mr.K.Soundararajan

For RR 3 and 4 in
WP.Nos.19411/2015 &
20163 & 20164/2014 : Mr.S.T.S.Moorthy,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan,
Addl. Govt. Pleader and
Mr.V.Shanmugha Sundar

COMMON J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Learned counsel for the parties agree that these matters are fully covered by the common order passed in a batch of writ petitions being W.P.Nos.8661 of 2012, etc. decided on 11.08.2015 (Eyeball Media Private Limited vs. The Senior Divisional Commercial Manager, Southern Railway). For convenience, we reproduce the operative part para 3 as under:

"3. In view of the aforesaid position, these writ petitions and the writ appeals have to be necessarily dismissed, but since the petitioners have been enjoying the interim orders, the same would continue to enure for the benefit of the petitioners for some time to facilitate them to obtain permission from the Corporation/District Collector (whoever is the authority concerned), if such permission in the given facts is entitled in law. Since this should not be an endless exercise, any such application would be required to be made by the petitioners within fifteen days from today and the Corporation/District Collector

(whoever is the authority concerned) will dispose of the application within a period of thirty days thereafter. Unless the permission is granted, the interim orders shall stand extinguished and if the permission is so granted, naturally, it will be governed by the terms and conditions of the permission."

2.The time period for the appellant and the petitioners to submit their applications will reckon from today and the authority concerned will dispose of the applications within a period of thirty days thereafter.

3.The Writ Appeal and the Writ Petitions are, accordingly, disposed of in terms of the aforesaid order. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Senior Divisional Commercial Manager,
Southern Railway, Divisional Commercial
Manager's Office, Chennai.

2.The Commissioner, Corporation of Chennai,
Ripon Buildings, Chennai.

3.Deputy Station Master, Railway (Commercial),
Coimbatore Junction, Plot No.1, Coimbatore.

4.The Commissioner & Deputy Commissioner,
Municipal Administration and Water Supply
Dept., Coimbatore.

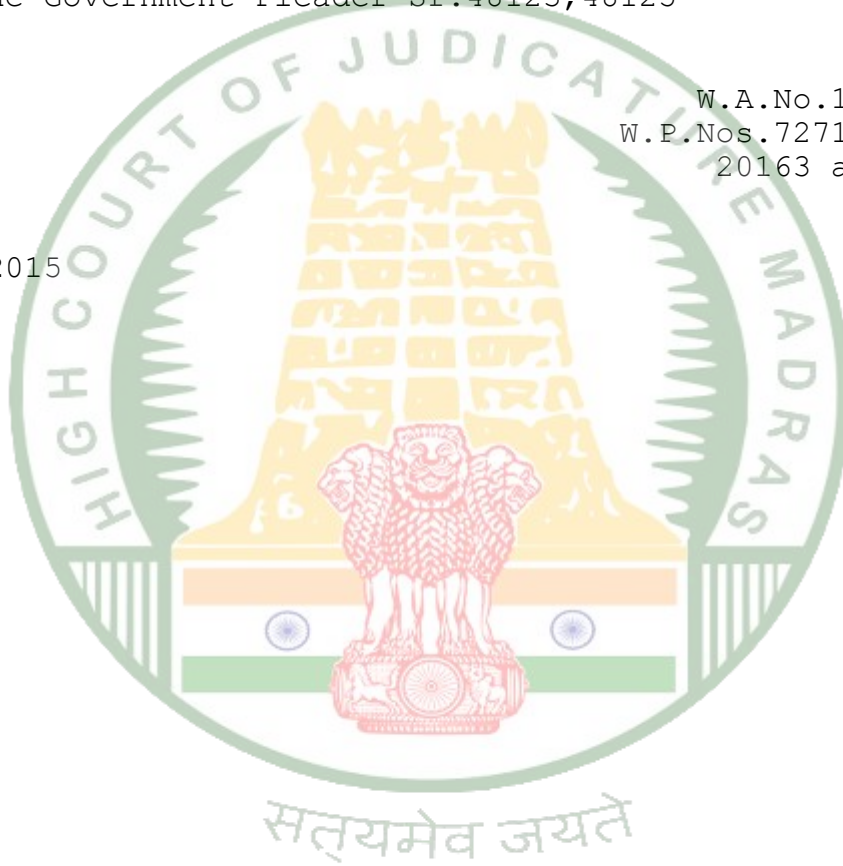
5.The District Collector,
O/o The District Collector, Coimbatore.

6.The Senior Divisional commercial Manager,
Southern Railway Divisional Commercial Manager's Office,
Commercial Branch,
Salem.

+2cc to Mr.S.RajendraKumar, Advocate Sr.47775 &47776
+2cc to Mr.S.K.P. Dilip Babu, Advocate Sr.47779,47777
+2cc to Mr.K.Soundararajan, Advocate Sr.48405,48406
+2cc to Mr.P.T.Ramkumar, Advocate Sr.48329
+2cc to The Government Pleader Sr.48123,48125

W.A.No.1955 of 2013 and
W.P.Nos.7271 of 2012, 19411,
20163 and 20164 of 2015

jsv[co]
srg 6.10.2015



WEB COPY