

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.8257 of 2015
and
M.P.Nos.1 and 2 of 2015

M/s.Star Advertising,
rep. by its Proprietor D.Thiyagarajan,
No.102, Chelliamman Koil street,
Ayanavaram,
Chennai-600 023. Petitioner

vs.

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.
- 2.The Additional Commissioner of
Police - Traffic,
Office of Additional Commissioner of Police,
Greater Chennai Police, No.132,
Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the 2nd respondent having reference Re.No.Tr.Imp.(1)/9944/2013 dated 09.04.2014 and quash the same and consequently permit the petitioner to supply and erect sign boards in Chennai City in compliance with the terms and conditions set out in the proceedings of the 2nd respondent having Ref.No.RC.No.Tr.Imp.(1)/9944/2013 dated 06.11.2013.

For Petitioner : Mr.R.Venkata Varathan
for
M/s.C.Uma

For Respondents : Mr.P.V.Selvakumar for R1

Mr.V.Jayaprakash Narayanan
Spl. G.P. for R2

ORDER

Heard Mr.R.Venkatavarathan, learned counsel for M/s.C.Uma, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned counsel for the 1st respondent and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the 2nd respondent.

2. The petitioner is an advertising agency, who was awarded the contract by the 2nd respondent vide order dated 06.11.2013 for the purpose of erection of 500 numbers of Traffic Awareness Sign Boards in Chennai City with 60% of Traffic Awareness Message and 40% of Sponsored Advertisement at free of cost to Chennai Traffic Police for five years. The permission granted by the said order was subject to the following conditions:-

1. All the Traffic Rules and Regulations should be strictly followed.
2. The agency is permitted to Install Traffic Sign Displays with the size of the board measuring 4 Feet Length and 3 Feet Width.
3. Traffic Sign Boards can be installed on a periodical basis for the next 5 years.
4. There should not be any hindrance to the free flow of Traffic and the display should not be erected in traffic signals.
5. The Instructions of the Local Traffic Police Officers should be strictly followed.
6. 60% of the space in will be used for Traffic Sign Message to Chennai Traffic Police and 40% of Advertisement to be utilized by the sponsor for advertisement purposes at free of cost.
7. The Display boards will be provided with adequate reflective material and cleaned periodically. Painting and Tinkering work should be borne by the sponsor only.
8. The agency is permitted for installing and maintaining the Traffic Sign Displays for the period of Five years only.

3. It is stated by the petitioner that pursuant to the permission granted, they have erected 500 Traffic Awareness Sign Boards, but they have not obtained any written permission from the Corporation of Chennai, which is the road owning authority. Since the Police authority have granted permission to the petitioner, they were orally permitted by the Corporation to erect the Traffic Awareness Sign Boards. This contention cannot be accepted, since the local body will not given such a oral permission.

4. The order impugned in this writ petition is the order cancelling the permission granted on the ground that the petitioner has violated the terms and conditions stipulated in the order dated 06.11.2013. One such violation is in serious, since the petitioner has incorporated the Logo of City Traffic Police in the Sign

Boards. The permission order does not authorise the petitioner to put the Logo of City Traffic Police. Therefore, to that extent, the respondents were fully justified in cancelling the permission granted.

5. With regard to the permission to be obtained from the Corporation of Chennai/Highways Department, which is the road owning authority, the petitioner states that oral permission was granted to them. This submission deserves to be rejected outrightly. That apart, the 2nd respondent has also pointed out certain other faults committed with regard to maintenance of the Sign Boards etc. This primarily seen that two conditions made the mind of the 2nd respondent for cancelling the contract viz., use of City Traffic Police Logo in the Sign Boards and failure to obtain permission from the road owning authority viz., Corporation of Chennai/Highways Department.

6. It is seen that pursuant to the impugned order, some Sign Boards have been removed and the remaining are still in existence containing City Traffic Police Logo, which have been put up without permission. Hence, this Court is of the view that the petitioner should be granted an opportunity to obtain permission from the road owning authority (Corporation of Chennai/Highways Department) and also appropriate orders for repainting the Sign Boards by removing the Logo of City Traffic Police. In this regard, there will be a direction to the petitioner to submit a representation giving undertaking to make the Sign Boards fully in compliance with the permission granted and also undertaking to obtain permission from the road owning authority (Corporation of Chennai/Highways Department) in terms of G.O.Ms.No.175, Municipal Administration and Water Supply (Election) Department, dated 16.11.2011. If the petitioner submits such representation to the 2nd respondent, the same shall be considered by the 2nd respondent on merits and in accordance with law, within the period of four weeks on which date the representation is received. In the mean time, wherever, the Sign Boards in Chennai City are still in existence, the petitioner shall immediately deface the Logo of City Traffic Police. However, till orders are passed by the 2nd respondent in terms of the above direction issued, the existing Sign Boards shall not be removed.

7. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai-600 003.

2.The Additional Commissioner of
Police - Traffic,
Office of Additional Commissioner of Police,
Greater Chennai Police, No.132,
Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai-600 007.

+1 cc to Government Pleader,SR.17001.

+1 cc to M/s.C.Uma, Advocate,SR.16763.

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krd 7/4

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