

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

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

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

W.P.No.13185 of 2012

Vantage Advertising Pvt. Ltd.,
Rep. by its General Manager and
Power Agent,
Mr.Donald Joseph.

...Petitioner/Petitioner

-vs-

1. The District Collector,
Office of the District Collector,
Coimbatore.
2. The Project Director,
National Highway Authority of India,
Old No.28/1 (New No.51/2),
50 Feet Road, Krishnasamy Nagar,
(Gem Hospital Backside),
Ramanathapuram, Coimbatore.
3. The Divisional Engineer,
National Highways, Coimbatore.
4. The Commissioner of Police,
Coimbatore City,
Office of the Commissioner of Police,
Coimbatore.
5. The Coimbatore City Municipal Corporation,
Rep. by its Commissioner,
Big Bazar Street,
Coimbatore.

...Respondents/Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the order Roc.No.15787/2008/VI dated 25.04.2012 (received by the petitioner on 27.04.2012) of the 1st respondent and quash the same and further forbear the respondents, their men, agents, employees, or any person claiming through or under them from in any manner removing the advertisement display boards at on the Nagai-Cuddalore-Mysore Road at KM 337/348 to 342/219 which stretch works out to about 4.871 km.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.P.H.Aravind Pandian,
Addl. Advocate General, assisted by
Mr.J.Sathya Narayana Prasad for R-5

Mr.P.Wilson, S.C., for
M/s.P.Wilson Associates for R-2

Mr.S.T.S.Moorthy, Govt. Pleader
assisted by Mr.V.R.Kamalanathan,
Addl. G.P., for RR 1, 3 and 4

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

In view of the fact that no advertisements are permitted on the Centre Median on account of the judgment of the Hon'ble Supreme Court in Civil Appeal No.2702 of 2008 (arising out of S.L.P.No.16286 of 2006) dated 09.04.2008, we had asked the respondents to work out an equitable solution. It is in pursuance thereto that an order has been placed before us passed by the District Collector on 20.08.2015, which gives the options to the petitioner to shift the advertisement from the median to the side, an aspect which we found quite favourable for resolution of disputes as per our order dated 19.08.2015. However, learned counsel for the petitioner took some time to obtain instructions to consider the financial feasibility of it in the perspective of the petitioner.

2.Learned counsel for the petitioner states that the terms and conditions set out in the order are not acceptable to the petitioner.

3.The aforesaid is an aspect which is in the realms of what the petitioner perceives to be feasible as a business proposition and thus, having rejected the offer, it will be for the petitioner to resolve the disputes through the process of arbitration envisaged in terms of the agreement between parties.

4.In so far as the petition is concerned, no further directions are required, as the hoardings of the petitioner already stand removed post vacation of stay.

5.Writ Petition, thus, stands dismissed with the aforesaid liberty. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sra

To

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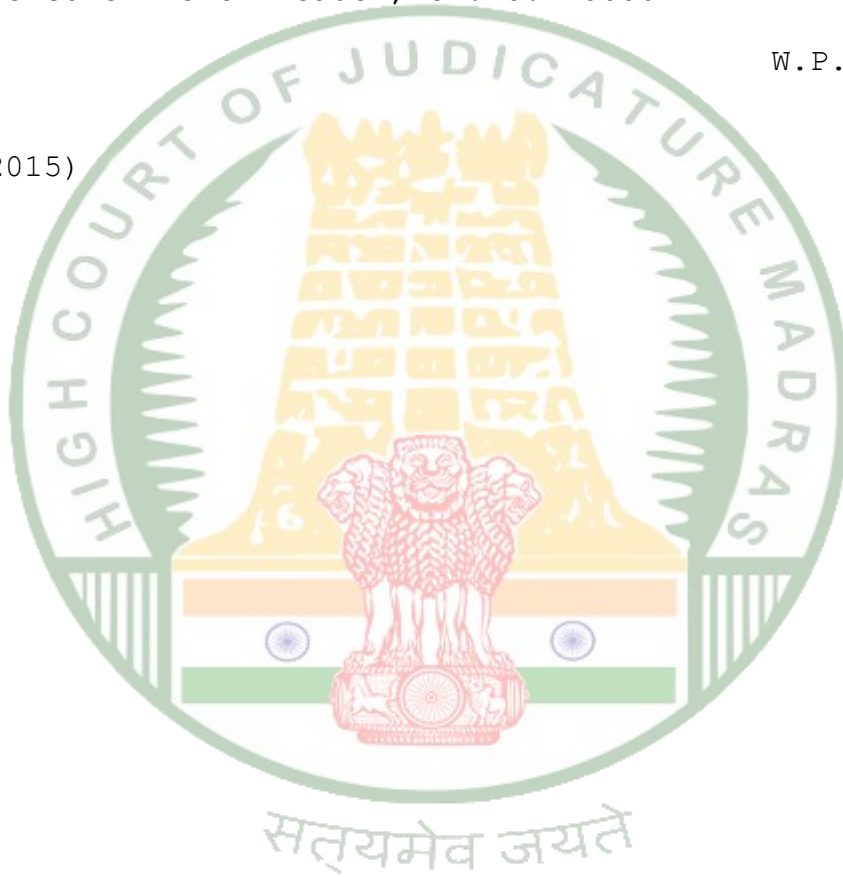
1 CC to Mr.J.Sathya Narayana Prasad, Advocate SR.No. 45936

1 CC to M/s.P.Wilson Associates, Advocate SR.No. 45779

1 CC to the Government Pleader, SR.No. 45835

W.P.No.13185 of 2012

PVR (CO)
cp(04.09.2015)



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