

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 41270 of 2016

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1. Famous Adds
No.30-2, II Dharma Nagar
Suramangalam
Salem
rep. by its Proprietor Syed Mohammed
2. P. Sathiyathan
No.4/4, Soosaipuram (North)
Omega Arts House
Tirupur - 641 001
3. J. Balaji
No.20/3, Venkatachalapathi Nagar
G. Koundanpalayam
Periyankalpalayam Post
Coimbatore - 641 020
4. Shri Associates
No.6-A, SDRD Compound
Race Course
Coimbatore - 641 013
rep. by Mr. M. Ramesh
5. B. Naresh Kumar
No.136/5, Thadagam Road
Velandipalayam
Coimbatore - 641 025
6. M/s. Standard Communications
No.88, VKK Menon Road
Siddhapudur
Coimbatore - 641 044
rep. by Mr. V. Sundar
7. Pooja Advertising
No.615, AGK Complex
Near 100 Feet Road Signal
Gandhipuram
Coimbatore - 641 012
rep. by Mr. G. Mari Raajavelu
8. M/s. Four Square Media
Near Candeepp Apartment
No.117, 1st Floor, Ismail Street
Coimbatore - 641 001
rep. by Mr. S. Ayyappan

9. M/s. Times Advertisers
No.6-A, Masthiammal Layout
Sivananda Colony
Coimbatore - 641 012
rep. by Mr. A. Jahir Hussain
10. R. Natarajan
No.384/3/54-A, Perumal Gounder Colony
Narasothipatty, Salem - 636 004
11. M/s., Sathyas Ad Media
No.3, 4, Gokulam Street
K.K. Pudur
Coimbatore - 641 038
rep. by Mr. A. Raviprakash
12. M/s. Asian Adds
No.541/60, Ex-Serviceman Colony
Lakshmipuram, Ganapathy
Coimbatore - 641 006
rep. by Mr. M.M. Palanivel
13. M/s. ADSPOT
No.29, Dr. Radhakrishnan Road
9th Street Extension
Gandhipuram
Coimbatore - 641 012
rep. by Mr. S. Gokulraj
14. M/s. Aroma Ads
No.1-A, Oppanakara Street
Coimbatore - 641 001
rep. by Mr. T. Jaison Thomas
15. M/s. Rathna Enterprises
Plot No.2, Dee Gee Nagar
Second Main Road, Surapet
Chennai - 600 066
represented by Mr. Neelakandan
16. M/s. Pooja Enterprises
No.6, Thirupur Kumaran Street
Puzhal, Chennai - 600 066
represented by Mr. Mahesh
17. V. Shanmugasundaram
No.43/1, Nethaji Street
2nd Surampati Valasu
Sukampathi
Erode - 628 009

18. M/s. S. Media
No.21, Nagappa Tower
Robertson Road
R.S. Puram
Coimbatore - 641 002
represented by Mr. Prabhunath
19. A. Damodaran
No.163/4, Meena Estate
3rd Layout, Souripalayam
Coimbatore - 641 028
20. M/s. Noble Ads
D-10, A.R. Building
No.18/29, Maclasi Road
Melapudur, Trichy - 621 001
represented by Mr. Raj Noble
21. M/s. Kreatly India
5th Cross, Thillainagar
Trichy - 620 018
represented by Mr. John Brito .. Petitioners
- Versus
1. The Union of India
represented by its Secretary to Government
Ministry of Railways
New Delhi - 110 001
2. The Executive Director/Traffic Commercial/NFR
Railway Board
"Rail Bhavan"
Raisina Road
New Delhi - 110 001
3. The General Manager
Southern Railway - Head Quarters
Park Town
Chennai - 600 003
4. Chief Commercial Manager (Passenger Service & Catering)
Southern Railway - Head Quarters
Park Town, Chennai - 600 003
5. Chief Commercial Manager (Passenger Service & Catering)
Southern Railway - Head Quarters
Park Town, Chennai - 600 003
6. The Senior Divisional Commercial Manager (Commercial)
Divisional Railway Manager's Office
Salem - 636 005 .. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus forbearing the respondents herein from removing the Advertiser's and Canvasser's valid and subsisting licenses, display boards, glow sign boards and other structures granted in favour of the petitioners 1 to 21 herein, pending finalisation of the new policy until March 2017, fixed by the second respondent herein and to consequently restrain the respondents from calling for any quotation for grant of advertisements until March 2017 or until formulation of the new policy by the Railway Administration.

For Petitioners : Mr. Sriram
for Ms. Swarnam J. Rajagopalan
For Respondents : Mr. P.T. Ramkumar

ORDER

The petitioners herein are Proprietors of the advertisement firms/canvassers who have entered into advertisement contracts with the respondents/Railways for putting up advertisements in various Railway Stations and other premises under the control of the respondents in their Divisional Offices. Such agreements were entered into by the petitioners with the respondents/Railways initially for a period of one year and it was extended from time to time. According to the petitioners, on the basis of the agreements they have entered into with the respondents/Railways, they have invested huge amount for provision of infrastructural amenities such as LED lightings, hoardings etc., According to the petitioners, they came to understand that the respondents have formulated a new policy as per which they are likely to handover the commercial publication of entire division of all types of media to a single operator, thereby the petitioners were deprived of their livelihood. Therefore, they have come up with the present writ petition for the relief stated above.

2. Mr. Sriram, learned counsel appearing for the petitioners would vehemently contend that the existing licence issued to the petitioners is valid till March 2017. However, during the subsistence of the licence period, the respondents have orally directed the petitioners to remove the advertising boards installed by them. The representations made by the petitioners for extension of the licence or contract has not been considered till date. The new policy formulated by the respondents has not been implemented or given effect to and it will take some more time for the respondents to give effect to the new policy, while so, by citing the policy to be formulated, the respondents are refusing to handover the places earmarked for the petitioners to advertise and/or make their signboard display. It is further submitted that the licence issued in

favour of some of the petitioners has already lapsed and they have submitted a representation to the respondents for extension of licence along with demand drafts, but the demand drafts have been returned to them. The learned counsel for the petitioners would further contend that as the petitioners have engaged themselves in the business of advertisement for a long time with the respondents/Railways, the respondents are not justified in refusing to extend the contract in their favour.

3. Per contra, the learned Standing counsel for the respondents/ Railways would vehemently contend that licence issued in favour of some of the petitioners have already expired and only in few cases, the licence is valid till March 2017. The learned counsel for the respondents would further contend that Railways have taken a policy decision to handover the entire work relating to advertisement to a single operator to have uniformity in the matter of awarding licence for advertisement and to augment the revenue. While so, the petitioners cannot, as a matter of right, seek for extending the licence in their favour. Further, when the licence in favour of some of the petitioners has already expired, they have no locus standi to file the present writ petitions. It is however stated by the learned counsel for the respondents that the petitioners, in whose favour the licence is valid till 31.03.2017 will not be disturbed and they will be continued to do their business till 31.03.2017.

4. I heard the learned counsel for both sides and perused the materials placed. As rightly pointed out by the learned Standing counsel for the respondents, when the respondents have formulated a policy to augment their commercial revenue and to bring all the commercial activities relating to advertisement under a single umbrella so as to ensure uniformity, this Court cannot interfere with such a policy decision.

5. Having regard to the submission of the learned standing counsel for the respondents, a direction is hereby issued to the respondents not to disturb the petitioners in whose favour licence is valid till 31.03.2017 and they shall be permitted to carry on their business till such time. As far as the claim of the petitioners in whose favour the licence issued by the Railways has already been expired, this Court can only direct the respondents to give reasonable time for them for removal of the advertisement boards etc., and also to consider their claim for extension of licence period as per Law. In other words, it is suffice to state, without expressing any opinion on merits, that the claim of the petitioners for extension of the licence beyond the period for which they were granted licence, shall be considered by the respondents in accordance with law.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected WMP Nos. 35243 and 35244 of 2016 are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
The Union of India
Ministry of Railways
New Delhi - 110 001
2. The Executive Director/Traffic Commercial/NFR
Railway Board
"Rail Bhavan"
Raisina Road
New Delhi - 110 001
3. The General Manager
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Park Town, Chennai - 600 003
6. The Senior Divisional Commercial Manager (Commercial)
Divisional Railway Manager's Office
Salem - 636 005

+1 cc to M/s.Swarnam J.Rajagopalan Advocate sr 69580

+1 cc to M/s.P.T.Ramkumar Advocate sr 69788

WP No. 41270 of 2016

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