



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2016

CORAM:

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.19033 of 2016
and
W.M.P.(MD) No.13753 of 2016

J.D.S.Advertisers
rep.by its Proprietor
P.T.Saravanan
S/o.Thulasimani Gounder
No.1 D, K.A.S.Nagar, Thindal
Erode, Erode District

... Petitioner

-vs-

1.The Chief Engineer
Construction and Maintenance
Highways Department
Kamaraj Salai, Chennai-600 005

2.The Divisional Engineer
O/o.The Divisional Engineer
Highways Department, Madurai

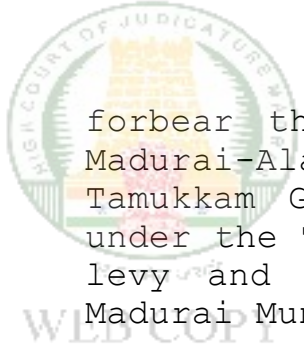
3.The District Collector
Collectorate
Madurai District

4.The Commissioner
Madurai Corporation
Anna Maligai
Madurai District

5.The Commissioner of Police
O/o.The Commissioner of Police
Madurai, Madurai District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to renew the license to the petitioner for a period of three years for hoardings installed in Madurai Goripalayam Thevar Statue to Thamukkam Ground and consequently



forbear the respondents from removing the Hoardings erected in Madurai-Alagarkovil Melur Road (Goripalayam Thevar Statue to Tamukkam Ground) without resorting to the procedure established under the Tamil Nadu Urban Local Bodies Licensing of Hoardings and levy and collection of Advertisement Tax Rules, 2003 and the Madurai Municipal City Corporation Act.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Velmurugan
Govt. Advocate for R1 to R3 & R5
Mr.S.Shanmugaselvam for R4

O R D E R

[Order of the Court by M.SATHYANARAYANAN, J.]

Mr.R.Velmurugan, learned Government Advocate, accepts notice on behalf of the respondents 1 to 3 and 5 and Mr.S.Shanmugaselvam, learned counsel accepts on behalf of the fourth respondent and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, would submit that the District Collector, Madurai District / third respondent, vide proceedings, dated 18.10.2013, in Na.Ka.No.C2/70288/2012 and C.Pa.No.C2/319/2012, granted licence to the petitioner to construct center median and to install lighted hoardings, from Goripalayam to Thamukkam, for a period of three years and it came to be expired on 31.03.2016 and well before the expiry of the licence period, on 18.01.2016, application for renewal of the licence was given and an attempt has been made by the petitioner not to disturb the lighted hoardings, by filing a writ petition, in W.P.(MD) No.11614 of 2014, before this Court and got an order of ad interim injunction, on 17.07.2014, in M.P.(MD) No.1 of 2014 and it was extended until further orders, vide order dated 22.07.2014.

3. It is further submitted by the learned counsel for the petitioner that since the petitioner has put up the center median and the lighted hoardings at his own cost, in all fairness, the third respondent ought to have renewed the license period and despite the application for renewal of licence was submitted well in advance, as early as on 18.01.2016, the third respondent has not passed any order sofar and hence the petitioner is constrained to file the writ petition.

4. The learned Government Advocate appearing for the respondents 1 to 3 and 5 would submit that the period of licence expires on 31.03.2016 and as a matter of right, the petitioner cannot claim renewal of licence and therefore prays for dismissal of the writ petition.



5. This Court has carefully considered the rival submissions and perused the materials produced.

6. Be that as it may, even though it is stated that the application for renewal of licence, for the period from 2016-2019, has been submitted before the third respondent in person, on 18.01.2016, along with necessary enclosures, no acknowledgment is available and hence the petitioner is directed to submit a fresh application before the third respondent along with a copy of this order as well as a copy of the earlier application, dated 18.01.2016, with necessary enclosures, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the District Collector, Madurai District / third respondent is directed to consider the same in accordance with law and pass orders within a period of ten weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To:

1.The Chief Engineer,
Construction and Maintenance,
Highways Department,
Kamaraj Salai,
Chennai-600 005.

2.The Divisional Engineer,
O/o.The Divisional Engineer,
Highways Department, Madurai.

3.The District Collector,
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Madurai Corporation,
Anna Maligai,
Madurai District.



5.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai, Madurai District.

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+1cc to MR.T.Lajapathi Roy, Advocate SR.No.57855
+1cc to Mr.N.Shanmugaselvam, Advocate Sr.No.57662
+1cc to special Government Pleader SR.NO.57499

krk

SH:PV:17.10.2016:4P/9C

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and
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(1/2)