



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.19034 of 2016
and
W.M.P.(MD) No.13754 of 2016

Vasantham Outdoor Advertising Pvt., Ltd.,
rep.by its Managing Director
Mr.R.Kumar
Plot No.10C, Shri Complex
T.B.Road, Mapalayam, Madurai-10

... 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 Commissioner
Madurai Corporation
Anna Maligai
Madurai District

4.The District Collector
Madurai District, Madurai

5.The Commissioner of Police
Madurai District, Madurai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the fourth respondent to issue the licence to the petitioner and consequently forbearing the respondents from removing the hoardings erected in the Madurai-Natham Road (Ma.Sa.No.72) to an extent of 1185 meters without resorting to the procedure established in Rule 8 of the Tamil Nadu Urban Local Bodies Licensing of Hoardings and levy and collection of Advertisement Tax Rules, 2003.



For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Velmurugan

Govt. Advocate for R1, R2, R4 & R5

Mr.S.Shanmugaselvam for R3

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O R D E R

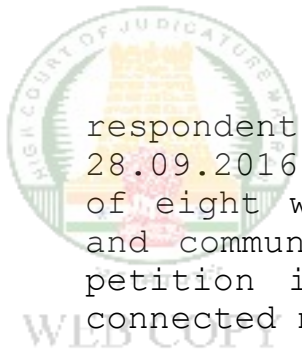
[Order of the Court by M.SATHYANARAYANAN, J.]

Mr.R.Velmurugan, learned Government Advocate, accepts notice on behalf of the respondents 1, 2, 4 and 5 and Mr.S.Shanmugaselvam, learned counsel, accepts on behalf of the third respondent and with the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The Managing Director of the petitioner Company, who has sworn to the affidavit filed in support of the writ petition, would submit among other things that he entered into an agreement with the second respondent, on 10.08.2009, to erect the median commercial advertisement boards in certain roads in Madurai City and permission for putting up the advertisement boards in Madurai-Trichy Highway, Madurai-Natham Road and Madurai-Cochin Road etc., was accorded vide proceedings, dated 30.07.2009, by the second respondent and it was also renewed vide proceedings, dated 09.12.2013, in respect of Madurai-Natham Road (Ma.Sa.No.72), to an extent of 1185 meters and the Commissioner of Police, Madurai District / fifth respondent has also granted no objection certificate and accorded permission to continue the same and the Commissioner, Madurai Corporation / third respondent has also supported the said endeavour. However, the District Collector, Madurai District / fourth respondent, who is the authority to grant permission, has not granted permission and since fourth respondent decided to remove the advertisement boards, the petitioner filed a writ petition, in W.P.No.11615 of 2014, before this Court and obtained an order of ad interim injunction, vide order dated 17.07.2014, in M.P.(MD) No.1 of 2014 and the same is in force.

3. The learned counsel appearing for the petitioner would submit that it would be suffice, if direction is given to the fourth respondent to consider and dispose of the petitioner's application, dated 28.09.2016, seeking licence and consequently to forbear them from removing the hoardings erected in the Madurai-Natham Road (Ma.Sa.No.72), to an extent of 1185 meters, in accordance with law within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> In the light of the limited scope of prayer, without going into the merits of the claim made by the petitioner, this Court directs the District Collector, Madurai District / fourth



respondent to consider the petitioner's application, dated 28.09.2016, in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order 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 Commissioner,
Madurai Corporation,
Anna Maligai, Madurai District.
- 4.The District Collector,
Madurai District, Madurai.
- 5.The Commissioner of Police,
Madurai District, Madurai.

+1cc to Mr.N.Shanmugaselvam, Advocate Sr.No.57661

+1cc to special Government Pleader SR.No.57500

krk

SH:PV:17/10/2016:3P/8C

W.P. (MD) No.19034 of 2016
and

W.M.P. (MD) No.13754 of 2016
30.09.2016

(2/2)