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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.19781 of 2016

and

W.M.P (MD) No.14275 of 2016

S.Suresh

:Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.Corporation of Madurai
rep. by its Commissioner,
Madurai.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to dispose the petitioner's application for renewal to renew the license issued by them in Roc.No.C2/5512/13 dated 05.11.2013 for erection of hoardings below New Kalpalam, Simmakal, Madurai Town.

For Petitioner : Mr.R.Subramanian

For Respondent No.1 : Mr.K.P.Krishnadoss,
Government Advocate.

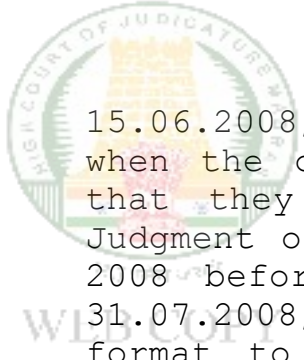
For Respondent No.2 : Mr.R.Prabhu Ramachandran,
Standing Counsel for Madurai Corporation.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to dispose of the petitioner's application for renewal of license issued by them in Roc.No.C2/5512/13, dated 05.11.2013, for erection of hoardings below New Kalpalam, Simmakal, Madurai Town.

2.Mr.K.P.Krishnadoss, learned Government Advocate, takes notice for the first respondent. Mr.R.Prabhu Ramachandran, Standing Counsel for Madurai Corporation, takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal.

3.It is the case of the petitioner that he erected hoardings below New Kalpalam, Madurai Town after obtaining license from the second respondent, the Commissioner of Police, Madurai City and Municipal Corporation, by paying necessary fees. He obtained electricity connection for the hoardings and he is paying electricity consumption charges and also the taxes regularly. On



15.06.2008, he sent a representation for renewal. On 24.07.2008, when the officials of the second respondent orally informed him that they are going to remove all the hoardings as per the Judgment of the Hon'ble Supreme Court, he filed W.P(MD)No.6830 of 2008 before this Court, wherein, this Court, vide order dated 31.07.2008, directed the first respondent therein, to supply the format to him and also directed the petitioner to submit the application to the first respondent. After producing necessary certificates obtained from various authorities, the first respondent, by order, dated 05.11.2013 issued license to the petitioner for the period from 01.04.2013 to 31.03.2016. As the said license period was due to expire, he gave an application for renewal to the first respondent in Form I on 11.01.2016 and on 23.03.2016 he sent a Demand Draft for a sum of Rs.1,000/- and also produced the Stability Certificate. In the meantime, on 10.08.2016, the officials of the second respondent orally threatened him to remove his hoardings. Therefore, he sent a representation to the first respondent to renew his license and the same is also pending. Hence, the petitioner has come up with the present writ petition.

4. According to the learned counsel for the petitioner, the license period was expired on 31.03.2016 and the application for renewal was submitted on 11.01.2016 and according to the requirement stated by the first respondent, a sum of Rs.1,000/- was also remitted by way of Demand Draft on 23.03.2016 and later on Stability Certificate was also produced by the petitioner. Despite of all formalities being complied with, the first respondent did not pass any order either rejecting the application for renewal or allowing the renewal of licence.

5. The learned Government Advocate appearing for the first respondent would submit that the documents are produced in piecemeal and the documents should be produced along with the application and some of the documents are yet to be produced. He would further submit that the application was not submitted in the prescribed proforma.

6. Considering the facts and circumstances of the case and also considering the limited scope of relief made in this Writ Petition, the petitioner is directed to submit the application in the prescribed proforma, which shall be treated as an extension of the application, dated 11.01.2016 and on such proforma being submitted, the first respondent is directed to consider the application for renewal and to pass orders in terms of Rule 5 of Tamil Nadu Urban Local Bodies licensing of Hoardings and Levy and Collection of Advertisement Tax Rules, 2003 and G.O.(Ms)No.47, Municipal Administration and Water Supply (Election) Department, dated 26.06.2003, within a period of two weeks from the date of receipt of application from the petitioner, in the prescribed proforma.



7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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/True Copy/

Sd/-

Assistant Registrar(Records)

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector,
Madurai District, Madurai.

2. The Commissioner,
Corporation of Madurai,
Madurai.

+1cc to M/s.R.Subramanian, Advocate in SR.60756
+1cc to M/s.R.Prabhu Ramachandran, Advocate in SR.60868
+1cc to the Special Government Pleader, in SR.61247

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smn

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