



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.22299 of 2016

and

W.M.P. (MD)No.15985 of 2016

J.D.S.Advertisers,
Rep. by its Proprietor,
Mr.P.T.Saravanan

: 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.

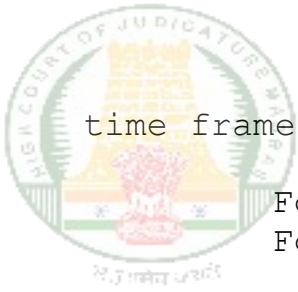
3.The District Collector,
Collectorate,
Madurai District.

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 to issue a Writ of Mandamus, forbearing the respondent Nos.1 and 2 from removing the Center Median Advertisement Board erected in Madurai-Alagarkovil Melur Road (Goripalayam Thevar Statue to Thamukkam Ground) until the disposal of the petitioner's application dated 27.10.2016 to renew the license to the petitioner for Center Median Advertisement Boards installed in Madurai Goripalayam Thevar Statue to Thamukkam within



time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents 1to3&5: Mr.M.Govindan,
Special Government Pleader
For Respondent No.4 : Mr.R.Murali

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O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the Proprietor of a Concern known as 'J.D.S.Advertisers'. He is involved in advertising business. The petitioner was originally given licence by the third respondent for putting up Center Median Advertisement Boards in Madurai-Alagarkovil Melur Road. The said licence expired as early as on 31.03.2016. According to the petitioner, as per the Tamil Nadu Urban Local Bodies Licensing of Hoardings and Levy and Collection of Advertisement Tax Rules of 2003, if any licensee wants to have extension of the period of licence, he should make application two months prior to the expiry of the licence. According to the petitioner, he made such application to the authorities for extension of the licence period. The same has not been disposed of so far. Therefore he has come up with this Writ Petition seeking a direction to forbear the first and second respondents from removing the Center Median Advertisement Boards put up by him until the disposal of his application for renewal dated 27.10.2016.

2. This Writ Petition has come up today for admission. We have heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.M.Govindan, learned Special Government Pleader, taking notice for the respondents 1 to 3 and 5 and Mr.R.Murali, learned Standing Counsel, taking notice for the fourth respondent. We have also perused the records carefully.

3. Admittedly, as of now, the licence issued to the petitioner to put up the advertisement boards is not in force, as it expired as early as on 31.03.2016. It is also necessary to mention that the authorities are not bound to extend the licence, simply because, it is asked for by the petitioner. They have got so many aspects which have to be taken into account, such as, convenience and safety of the public mainly. In this case, since, as of now, there is no licence in force and since the petitioner has been keeping these Boards without licence from 01.04.2016, the respondents are entitled to remove the same, if the petitioner refuses to remove. Therefore, the relief sought for by the petitioner cannot be granted. When this was pointed out, the learned counsel for the petitioner submitted that the petitioner would remove all the boards, within seven days from today. The same is recorded. The Writ Petition is, accordingly, dismissed. No



costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Writ)

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Sub Assistant Registrar

SML

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,
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.
- +1cc to Spl.Government Pleader Sr.No.71629
+1cc to Mr.R.Murali Advocate Sr.No. 71540
+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No. 71564

JAM/02.12.16/SKS-RR/ 3p-9c

Order made in
W.P. [MD] .No.22299 of 2016

Dated: **22.11.2016**