



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.5393 & 5394 of 2017

and

W.M.P.(MD)Nos.4323 & 4324 of 2017

Jay Advertisements

Represented by its Proprietor,

Mr.P.Chellapandi

... Petitioner in both Writ Petitions

Vs.

1. The District Collector,
Office of District Collector,
Thiruchirapalli,
Tamil Nadu.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchirapalli Corporation,
Thiruchirapalli,
Tamil Nadu.
3. The Commissioner,
Corporation of Thiruchirapalli,
Thiruchirapalli,
Tamil Nadu.

... Respondents in both Writ Petitions

PRAYER IN W.P(MD).No.5393 of 2017: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus in the nature of writ forbearing the respondents from in any way interfering or removing the hoardings and display boards installed in the signals as found in the license granted by the second respondent vide his proceedings in C.No.C2/9704/2015 dated 09.06.2015 till the license period is over (08.06.2018).

PRAYER IN W.P(MD).No.5394 of 2017: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus in the nature of writ forbearing the respondents from in any way interfering or removing the hoardings and display boards installed in the signals as found in the license granted by the first respondent vide his proceedings in RC.No.20992/2015/B1 dated 10.06.2016 till the license period is over (09.06.2019).



For Petitioner : No Appearance
For R1 & R2 : Mr.T.S.Mohamed Mohideen
Additional Government Pleader
For R3 : Mr.N.S.Karthikeyan

C O M M O N O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed the writ petitions to restrain the respondents from removing the hoardings and display boards installed in the signals, pursuant to the license granted by the second respondent, dated 09.06.2015 and 10.06.2016 respectively.

2. None appears on behalf of the petitioner.

3. We have heard the learned Additional Government Pleader on behalf of the respondents 1 and 2 and the learned Standing counsel on behalf of the third respondent.

4. It is the case of the petitioner that the second respondent issued a license on 09.06.2015, permitting M/s. Jay Advertisements, Madurai, for maintenance of Automatic Signals, CCTV Surveillance Cameras with the advertisement boards in Tiruchirapalli City. Similarly, permission was granted to erect advertisement boards on signals subject to the conditions prescribed by the Government. The second respondent issued a license on 10.06.2016, permitting the petitioner for erection of signal lamp post with the advertisement boards of sizes mentioned in the Annexure, in Tiruchirapalli City Corporation Limits (with lights) to monitor traffic, crimes etc., subject to the conditions prescribed by the Government.

5. The petitioner has come up with the present writ petitions for a direction to the respondents not to take action for removal of the hoardings and display boards.

6. There is no question of issuing a direction to the respondents not to exercise their statutory function. In case the licence was granted subject to certain conditions, it is always open to the licensing authority to enforce the conditions by taking action for violation. There is no question of issuing a Mandamus in the absence of a statutory duty on the part of the respondents to take note of the request made by the petitioner. We therefore do not find any reason to issue a writ of Mandamus as



7. In the result, the writ petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

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Sub Assistant Registrar

To

1. The District Collector,
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Tamil Nadu.
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Thiruchirapalli,
Tamil Nadu.
3. The Commissioner,
Corporation of Thiruchirapalli,
Thiruchirapalli,
Tamil Nadu.

+2ccs to Mr.N.S.Karthikeyan, Advocate, SR.No.69164,69165

+1cc to The Special Government Pleader in SR.No.70176

akv/sss

AE/SKN RSK/SAR2/17.08.2017/3P/7C

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01.08.2017