

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.17867 of 2018 and
WMP No.23057 of 2018

Alison Advertiser
Rep. by its Sole Proprietor
No.5/16, T.K.Palani Cross Street,
Periyar Nagar, Nesapakkam,
Chennai - 600 078. Appellant

-vs-

- 1.The Secretary to Government of Tamilnadu,
Municipal Administration Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner/Revenue Officer,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to the impugned orders vide Va.Thu.Na.Ka.No.G4/6364/2017 dated 28.08.2017, Va.Thu.Na.Ka.No.G4/7611/2017 dated 30.10.2017 and Va.Thu.Na.Ka.No.G4/9272/2017 dated 09.01.2018 made in Application No.AAHLA/001 dated 10.11.2016, Application No.AAHLA/002 dated 11.11.2016, Application No.AAHLA/003 dated 11.11.2016, Application No.AAHLA/004 dated 24.05.2017, Application No.AAHLA/005 dated 11.11.2016, No.AAHLA/006 dated 11.11.2016, Application No.AAHLA/007 and AAHLA/008 dated 31.05.2017, Application No.AAHLA/009 dated 31.05.2017 and AAHLA/0010 dated 31.05.2017 and quash the same as illegal and direct the 2nd respondent to grant license to the petitioner for the above application to raise Hoardings on Private Buildings as per Chennai City Corporation Rules 2003.

For Appellant : Ms.A.Arulmozhi
For Respondents: Mr.V.Anandhamurthy
Addl.Govt.Pleader for R1
Ms.Karthikaa Ashok for R2

O R D E R

[Order of the Court was delivered by
R.SUBRAMANIAN,J.]

The petitioner challenges the orders of the second respondent rejecting its applications for grant of license to erect hoardings.

2. Rule 11 of the Tamil Nadu Urban Local Bodies Licensing of Hoardings and Levy and Collection of Advertisement Tax Rules, 1998 as well as Section 326-H of the Chennai City Municipal Corporation Act, 1919, provides for an appeal to the State Government against the order of the Commissioner rejecting the said applications.

3. We are therefore of the view that the writ petition cannot be entertained in view of the availability of an effective alternative remedy. Section 326-H provides a period of 30 days for filing appeal. Since the petitioner has approached this Court without availing the alternative remedy, we permit the petitioner to file an appeal on or before 6 September 2018. If any such an appeal is filed, the same shall be entertained and disposed of by the first respondent on merits and in accordance with law de hors the question of limitation.

4. The writ petition is dismissed with the above observation. No costs. Consequently, the miscellaneous petition in WMP No.23057 of 2018 to implead also stands dismissed.

सत्यमेव जयते Sd/-

Assistant Registrar(CCC)

//True Copy//

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Sub Assistant Registrar

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To

1.The Secretary to Government of Tamilnadu,
Municipal Administration Department,
Fort St.George, Chennai - 600 009.

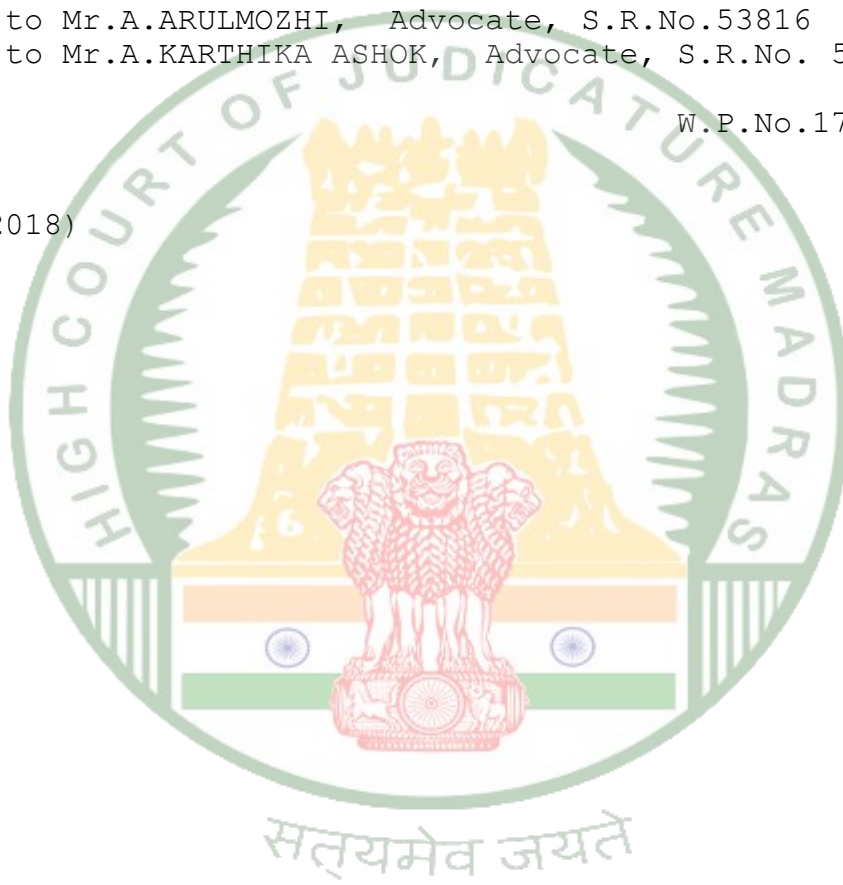
2.The Commissioner/Revenue Officer,
Greater Chennai Corporation,
Ripon Buildings, Chennai - 600 003.

+2cc to Mr.A.ARULMOZHI, Advocate, S.R.No.53816

+1cc to Mr.A.KARTHIKA ASHOK, Advocate, S.R.No. 54169

W.P.No.17867 of 2018

MR(CO)
TR(24/08/2018)



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