



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P(MD)No.5130 of 2018
and W.M.P(MD)No.5109 of 2018**

A.Vignesh,
Proprietor of Arun Agencies,
No.11/1B, Alanganathapuram,
Tharanallur Road,
Trichy - 620 008.

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Collectorate,
Thanjavur.
2. The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur Post and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner's agency for erection of hoardings in Thanjavur Corporation limit more particularly from Periya Kovil Chozhan Statute to RMH Road and to affix digital display hoarding in the circle (Roundana) situated near to the Vellai Pillaiyar Kovil for the period of three years i.e. up to 31.03.2019 by considering the licence granted by the first respondent in proceedings Na.Ka.No.10508/2015/Tha 2, dated 11.01.2016.

For Petitioner : Mr.M.Saravanakumar

For R - 1 : Mr.M.Jeyakumar,
Additional Government Pleader.

For R - 2 : Mr.N.Dilip Kumar

**ORDER**

(Order of the Court was made by **M.DURAISWAMY, J.**)

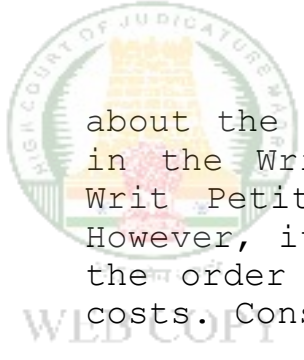
The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents to permit the petitioner's agency for erection of hoardings in Thanjavur Corporation limit, more particularly, from Periya Kovil Chozhan Statute to RMH Road and to affix digital display hoarding in the circle (Roundana) near to the Vellai Pillaiyar Kovil for the period of three years i.e., up to 31.03.2019 by considering the licence granted by the first respondent in the proceedings, dated 11.01.2016.

2.It is the case of the petitioner that the respondents granted licence for erection of hoarding on 11.01.2016 for a period of three years ending with 31st March of the third year.

3.According to the petitioner, the licence was granted on 11.01.2016 and he was permitted to erect the hoardings only in the month of March 2016 and that the petitioner has also paid the requisite fee to the respondents in the month of February, 2016. After the grant of licence on 11.01.2016, by a letter, dated 10.02.2016, the second respondent communicated to the petitioner that the period of lease for the year 2016 come to an end on 31.03.2016. As per the conditions annexed to the licence, dated 11.01.2016, in clause 7, it has been clearly stated that the licence would be valid upto 31st March of the third year. Since the licence was granted on 11.01.2016, the first year of the licence came to an end on 31st March, 2016; the second year came to an end on 31st March, 2017 and the third year ended on 31st March, 2018.

4.The contention of the petitioner is that since the petitioner erected the hoardings only in the month of March, 2016, he should be permitted to run the business for the next one year and the period of three years should be calculated from 11.01.2016 to 31st March, 2019. However, in G.O.Ms.47, Municipal Administration and Water Supply (Election) Department, dated 26.06.2003, Rules framed under the Tamil Nadu Local Bodies Licensing of Hoardings and Levy and Collection of Advertisement Tax Rules, 2003, it is has been clearly mentioned that the validity of the licence granted under Rule 3 shall be valid upto 31st day of March of the third year.

5.From the said Government Order, it is clear that the three year period stipulated under the licence ended on 31st day of March, 2018. The petitioner is not in a position to establish that he is entitled to run the business upto 31st March, 2019. None of the documents produced by the petitioner support his contention. Since the Government Order and terms of the licence are clear



about the expiry of the licence period, we do not find any merits in the Writ Petition filed by the petitioner. Accordingly, the Writ Petition is devoid of merits and the same is dismissed. However, it is open to the petitioner to file an appeal as against the order passed by the respondents in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District,
Collectorate, Thanjavur.

2. The Commissioner,
Thanjavur Municipal Corporation,
Thanjavur Post and District.

+ 1 cc TO Mr.N.Dilip Kumar , Advocate in SR No. 69921
+ 1 cc TO Mr.M.Saravanakumar , Advocate in SR No. 69750
+ 1 cc TO The Special Government Pleader in SR No. 70115

ps

AE/SKN RSK/SAR4/03.07.2018/3P/6C

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