



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 11.01.2018

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P.(MD)No.604 of 2018

and

W.M.P (MD)No.630 of 2018

Jai Advertisements
rep. by its Proprietor,
Mr.P.Chellapandi
S/o Periyaakaruppan
No.1, 2, Kavery Nadhi Street,
S.Alangulam,
Madurai - 625 014.

.. petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai Municipal Corporation,
Madurai,
Tamil Nadu.

2. The Commissioner,
Corporation of Madurai,
Mudurai Municipal Corporation,
Madurai,
Tamil Nadu.

3. The District Collector,
Madurai District,
Madurai.
(R3 is impleaded *suo motu*)

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from in any way interfering or removing the hoarding and display boards installed in the signals as found in the NOC granted by the first respondent vide his proceedings in Na.Ka.No.N1/19923/324/13 dated 04.07.2013 and the NOC issued by the second respondent pursuant to the NOC issued by the first respondent in reference to Ma.Po.4/31616/2013 dated 11.10.2013.



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For Petitioner : Mr.S.Sundaresan
For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader
for R1 and R3
Mr.D.Muruganantham for R2

ORDER

[Order of the Court was delivered by N.KIRUBAKARAN,J]

Since in this case the District Collector is not a party, this Court *suo moto* impleads the District Collector, Madurai as third respondent.

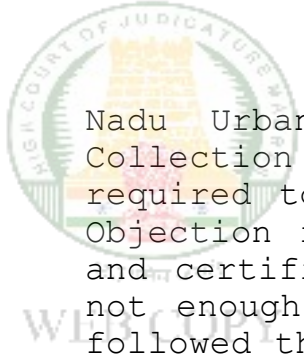
2.The petitioner is running an Advertisement Agency installing and maintaining traffic signals. The petitioner was granted No Objection Certificate by the first respondent to install hoardings and display boards the Automatic Traffic Signals in the following junctions:-

- "1.Anna Nagar Main Road (Apollo Hospital, Sundaram Park, Ambika Theatre, Kolsa Complex)
- 2.KK Nagar Main Road (MGR Statue, Police Station, Wakf Board College, Cinepriya Theatre)
- 3.In front of Americal College
- 4.Anna Maligai (Corporation Office)
- 5.Cholavandhan Road Check Post (Near Kochadai Bus Stand)
- 6.Theni Main Road Check Post (Virattipathu Arch)
- 7.Dindugal Road Check Post
- 8.Alagarkovil Main Road Check Post.
- 9.Police Commissioner Camp Office Bungalow."

3.The said NOC was given on 04.07.2013. As per clause 6 of the NOC, the petitioner shall give 1/3rd space for advertising road traffic rules and in 2/3rd space the petitioner can make use in the Blinkers Advertisement Board. All along the petitioner has been carrying out the business for the past four years. However, all of a sudden, the first respondent on 06.01.2017 started to remove the display board put up by the petitioner in the signals, regarding which already NOC was granted by the first respondent, which compelled this petitioner to approach this Court.

4.Heard Mr.S.Sundaresan, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader, who took notice on behalf of the first and third respondents and Mr.D.Muruganantham, learned Additional Government Pleader, who took notice on behalf of the second respondent.

5.Mr.V.R.Shanmuganathan, learned Special Government Pleader would submit that the petitioner only got NOC from the first respondent and has not obtained licence as per Rule 3 of the Tamil



Nadu Urban Local Bodies Licensing of Hoardings and Levy and Collection of Advertisement Tax Rules, 2003. The petitioner is required to get plan as approved by the qualified Engineer and No Objection from the Engineer or State or the Municipality concerned and certificate from the police officer. Mere granting of NOC is not enough. He would further submit that the petitioner has not followed the clause mentioned in the NOC by which 1/3rd space has to be given for advertising road traffic rules.

6. However, Mr. S. Sundaresan, learned counsel appearing for the petitioner would submit that the petitioner has already applied to the District Collector for getting license.

7. It is not one month or 6th months ago, the petitioner started business where as he started in 2013 and continued to run the business which is well-known to the respondents. If any wrong or violation has been committed by the petitioner, it is open to the authorities to point out the violation or non-compliance of regularities and direct to comply with the same. Without doing so, the respondents, all of a sudden, cannot stop or prohibit the petitioner from doing business, which is continued to enjoy for the past four years.

8. If really the petitioner has not complied with the Rule 3 of the Tamil Nadu Urban Local Bodies licensing of Hoarding and Levy and Collection of Advertisement Tax Rules, 2003, even the respondents should not have allowed the petitioner to start the business itself, namely, erection of advertisement boards as early as in 2013 itself. Having been in deep slumber for the past four years, all of a sudden the respondents now cannot target the petitioner and prohibit from carrying his business.

9. Assuming that the petitioner has not applied to the District Collector to get the license under Rule 3, it is always open to the respondents to call upon the petitioner to get the license as per Rule 3. Therefore, this Court directs the petitioner to file an application before the newly impleaded respondent, namely, the District Collector, Madurai. Therefore, the petitioner and the respondents are directed to do the following things:-

(i) The petitioner shall apply to the third respondent for getting license within a period of two weeks.

(ii) On such receipt of the application, the third respondent shall take into consideration the NOC granted by the Commissioner of Police, Madurai City in 2013 and running of business by the petitioner continuously from 2013 onwards and pass appropriate orders.

(iii) The petitioner shall provide 1/3 space for advertising road traffic rules as per the advice of the police authorities.

(iv) Till the decision is taken by the third respondent and informed to the petitioner and the same is



filed before this Court, the respondents are prohibited from interfering with the petitioner's business.

10. With the above, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11. Call the matter on **23.02.2018** for reporting compliance.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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

Copy To :-

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

(for listing the matter on 23.02.2018 for compliance)

- + 1 CC TO Mr.S.SUNDARESAN, ADVOCATE IN SR No. 41900
- + 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 42019

SKN

TE/KK/SAR-1 : 23/01/2018 : 4P/7C