



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 18825 of 2018

Bharathy Kannamma

... Petitioner

-vs-

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
2. The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.
3. The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to remove the flex boards erected before the schools, hospitals, Government Offices and bus stand at Kovilpatti, Thoothukudi District, which are disturbing the public and traffic, by considering the Petitioner's representation dated 27.08.2018.

For Petitioner : Mr. C. Ezhilarasu

For Respondents : Mr. K. Chellapandian,
Additional Advocate General,
assisted by
Mr. A.K. Baskarapandian,
Special Government Pleader.

O R D E R

(Order of the Court was made by P.D. AUDIKESAVALU, J.)

This Public Interest Litigation has been filed by the Petitioner, who claims to have travelled from Madurai to Tirunelveli on 27.08.2018, when he noticed that flex boards had been erected before the schools, hospitals, Government offices and bus stand at Kovilpatti, which according to him were disturbing the public traffic. The Petitioner has filed this Writ Petition on 28.08.2018 for a direction to the Respondents to remove the flex boards at Kovilpatti.



2. When the matter came up before this Court on 29.08.2018, the Respondents produced a copy of the proceedings dated 27.08.2018 issued by the Revenue Divisional Officer, Kovilpatti, granting permission for erection of 60 digital banners at Kovilpatti Municipality Area within Kovilpatti East and West Police Station limits of Kovilpatti Municipality to one Mr. S. Vijayapandian and another one Mr. Ayyaduraipandian from 27.08.2018 to 31.08.2018 on the conditions mentioned in that order. This Court after noticing that there has been non-application of mind since permission has been granted on the date of application itself, directed the Respondent not to permit anybody to put up any more flex boards until further orders and directed the Respondent to file a Counter Affidavit by then. When the matter is taken up for hearing today, the Third Respondent has filed a Counter Affidavit contending that after receiving the representation from the Petitioner, the Third Respondent thoroughly inspected all the places in which flex boards were erected and he did not find any violation of the conditions imposed for erecting the same.

3. However, the learned Counsel appearing for the Petitioner vehemently disputed the said contentions and urges that there has been violation of the conditions imposed while granting permission for erection of digital banners and that the Petitioner is in possession of evidence including photographs taken to prove the same.

4. In view of the aforesaid submissions made, we direct the Revenue Divisional Officer, Kovilpatti, who had granted permission by proceedings No. Ldis. B2/ 6951/18 dated 27.08.2018 to Mr. S. Vijayapandian and Mr. Ayyaduraipandian, for erection of digital banners, to examine the complaints of violation on the conditions imposed made by the Petitioner after affording full opportunity of hearing to the Petitioner and all persons concerned, pass reasoned orders in accordance with law and take consequential action for any violation of the conditions imposed for grant of permission, if found to be true. The aforesaid exercise shall be expeditiously completed and compliance report filed before the Registrar (Judicial) of this Court by 31.01.2019.

6. The Writ Petition is disposed of on the aforesaid terms. No costs.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-II)



To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

2. The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi District.

3. The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

4. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

Copy to

1. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

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

+1cc to M/s. Special Government Pleader, SR.No. 97345

W.P. (MD) No. 18825 of 2018
26.11.2018

vjt
ES/RSK/SAR-2/04.12.2018/3P-8C