

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6609 of 2019

M.M.Shigam

... Petitioner

vs.

1. The Principal Secretary to
Government of Tamil Nadu,
Department of Municipal Administration,
Fort St. George,
Chennai 600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai 600 003.
3. The Zonal Officer,
Corporation of Chennai,
Zone XIV, Chennai 600 003.
4. The Commissioner of Police,
Greater Chennai Police,
Chennai 600 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the Respondents 2 to 4 to collect the advertisement fee for the hoardings placed at Door No.17 (Old No.1127) PH Road, Koyambedu, Chennai 600 117, in accordance with Act 51 of 1998 and in accordance with conditions prescribed on private buildings or lands.

For Petitioner : Mr.A.Arulmozhi

For Respondents 1 & 4 : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

(Order of the Court made by M.M.SUNDRESH,J.)

This Writ Petition has been filed seeking a writ of mandamus directing the Respondents 2 to 4 to collect advertisement fee for the hoardings placed by the Petitioner, in accordance with the conditions prescribed for private buildings or lands.

2. We have already held by an order dated 05.11.2019 in W.P.No.21149 of 2019, that after coming into force of the enactment viz. Amending Act 40 of 2018 vide G.O.Ms.No.16/2019, dated 31.01.2019, a Writ of Mandamus would not lie and the remedy open to the Petitioner in a similar case is to challenge the very vires of the Act. Therefore, the prayer sought in the above Writ Petition cannot be maintained.

3. Law is well settled that a relief cannot be granted contrary to law. Accordingly, the above Writ Petition is closed, giving liberty to the Petitioner to challenge the vires of the Act, if so required. No costs. Consequently, connected W.M.P.No.7437 of 2019 is closed.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to
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Department of Municipal Administration,
Fort St. George,
Chennai 600 009.
2. The Commissioner,
Corporation of Chennai,
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+1cc to Government Pleader, SR.No.93750.

Order in
W.P.No.6609 of 2019

RP (CO)
CSR(18/12/2019)