

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

WRIT PETITION No.9543 of 2019
and
WMP No.10165 of 2019

Kathir College of Engineering,
Rep. by its Principal,
P. Banumathi
"Wisdom Tree", Neelambur,
Coimbatore - 641 062.

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Petitioner

versus

1. The District Collector,
Coimbatore.
2. The Superintendent of Police,
Coimbatore.
3. Divisional Engineer,
Highways (Construction and Maintenance),
Trichy Road,
Coimbatore. #
4. The Assistant Director,
Panchayats, Coimbatore.
5. The Tahsildar,
Soolur, Coimbatore.
6. The Regional Transport Officer,
Coimbatore South,
Coimbatore.

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Respondents

Cause title amended vide order dated 2.7.2019, made in W.M.P.
No.17840 of 2019 in W.P. No.9543 of 2019.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent herein to renew the license on the petitioner's application dated 18.09.2018 for (over head route direction board) at Salem -Cochin Road in Neelambur, Coimbatore at the

earliest under the provisions of Tamil Nadu Panchayats (Licensing of hoardings and levy and collection of Advertisement tax) Rules 2009.

For Petitioner : Mr. M. Naraayanaswamy
For Respondents : Mr. V. Shanmuga Sundar
Special Government Pleader

ORDER

(The Order of the Court was made by R.Subbiah, J.)

This Writ Petition has been filed to direct the 1st respondent to renew the petitioner's licence by considering its application for renewal dated 18.09.2018 at the earliest under the provisions of Tamil Nadu Panchayats (Licensing of hoardings and levy and collection of Advertisement Tax) Rules, 2009.

2. The petitioner - engineering college is situated at Coimbatore. They have erected an overhead sign board for route direction to their institution at Salem - Cochin Highway in Neelambur, Coimbatore. They have obtained necessary permission for erection of the hoardings from the authorities concerned and the licence period for the same expired on 31.03.2019. They have approached the 1st respondent by submitting an application dated 18.09.2018 for renewal of their licence. Accordingly, the 1st respondent has also directed the remaining respondents for submitting their comments for renewal of licence.

3. According to the petitioner, as per Rule 5 of the Tamil Nadu Panchayats (Licensing of Hoardings and Levy and Collection of Advertisement Tax), Rules, 2009, the application for renewal of licence has to be considered by the official concerned within 60 days from the date of receipt of application or on or before expiry of the validity of the licence. But the said Rule has not been considered by the respondents.

4. The learned counsel for the petitioner submits that during the pendency of this writ petition, this Court by order dated 29.03.2019 issued directions to the first respondent to consider the petitioner's application for renewal dated 18.09.2018 and pass orders in accordance with law on or before 05.04.2019 and status quo was granted till such time, but the said direction has not been complied with.

5. Heard the learned counsel for the petitioner and Mr.V. Shanmuga Sundar, learned Special Government Pleader for the respondents.

6. The learned counsel for the petitioner would submit that

there is no impediment for the 1st respondent to renew the licence for erection of over head route direction board. Moreover, the order of this Court in W.P. No.41289 of 2016, dated 30.10.2017 would no where prevents from renewing the licence for erection of overhead route direction Board. Hence, he prays before this Court that the relief sought for may be granted.

7. The learned Special Government Pleader appearing for the respondents submitted that in view of the directions issued by this Court in W.P. No.41289 of 2016, dated 30.10.2017, the 3rd respondent has opposed for issuance of No Objection Certificate, especially in an arterial road which witness burgeoning traffic.

8. Having regard to the submissions made by the learned counsel on either side and without going into the merits of the matter, we disposes of this writ petition by directing the respondents to consider the petitioner's application dated 18.09.2018 and pass appropriate orders on merits and in accordance with law after affording due opportunity of personal hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order and the respondents are directed to maintain status quo till then.

8. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

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+1cc to Mr.M.Narayanaswamy, Advocate SR.73232

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SS(CO)
CB(14/10/2019)