

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2019

CORAM::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.17043 of 2019

Kamaludheen,
S/o.Aasath,
Proprietor of M/s.Rishi Ad Promoters,
No.189/1, Abhinaya Complex,
Kaamani Nagar, Aladi Road Curve,
Virudhachalam Town & Taluk,
Cuddalore District.

...Petitioner

/versus/

1. The Commissioner of Municipal Administration,
O/o.Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 9.
2. The Regional Director for Municipal Administration,
(Chengalpet Region),
No.1,GST Road, Jeeva Market Complex,2nd Floor,
Periyar Nagar, West Tambaram,
Kancheepuram District, Chennai - 45.
3. The Commissioner,
Virudhachalam Municipality,
Virudhachalam Town & Taluk,
Cuddalore District - 606 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the 1st respondent to pass order in Na.Ka.No.3383/2015/F1, dated 05.08.2017 to give the approval within a stipulated period and pass orders

For Petitioner : Mr.G.Anabayachozhan

For R1 & R2 : Mr.N.Inbanathan,
Additional Government Pleader,

For R3 : Mr.A.Kumar,
Additional Advocate General-V
Assist by Mr.D.Suriyanarayanan

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the respondents.

2.The petitioner is the Proprietor of M/s.Rishi Ad Promoters. He had obtained license from District Collector, Cuddalore on 03.01.2012. The petitioner particularly with permission of the 3rd respondent he is doing advertisement business at Virudhachalam more particularly 3rd respondent buildings and other areas as mentioned in relevant proceedings. In spite of which the 3rd respondent called for the tender notification on 05.08.2015, the petitioner participated the same. The tender was awarded in favour of the petitioner. As per the tender, the petitioner by spending Rs.90 Lakhs, he has to put up the advertisement board of the 3rd respondent building for 20 years for which by using the above amount for upgrading bus terminus and other relevant work. The petitioner duly complied the same. The RTO had issued the license in favour of the 3rd respondent in respect of bus terminus. On 05.08.2017, the 3rd respondent had sent a file addressed to the 1st respondent for getting approval, but till date the above file was pending before the 1st respondent. Hence, the petitioner could not able to continue his business.

3.Aggrrieved by the same the petitioner approached this Court, directing the 1st respondent to pass order in Na.Ka.No.3383/2015/F1, dated 05.08.2017.

4.In the counter filed by the 3rd respondent/Commissioner, Virudhachalam Municipality, it is admitted that the petitioner was permitted to renovate bus stand with the condition to get license from the District Collector for advertisement but the petitioner has failed to get license from the District Collector. Further he has not submitted valid estimate, bills and vouchers for the renovation work. It is also alleged in the counter that, most of the renovation work were done by the Virudhachalam Municipality itself and not by the petitioner.

5. Since, the 3rd respondent/Commissioner, Virudhachalam Municipality, admitted that the petitioner has carried out some portion of the renovation work, this Court directed the petitioner to produce the estimation and bills submitted to the respondents towards the work done, regarding renovation of Bus stand. Meanwhile, the 3rd respondent/Commissioner, Virudhachalam Municipality, has filed Additional Counter affidavit, wherein, it is stated that permission to maintain bus stop canopies at 9 places was granted

to the petitioner on 03.01.2012 and he was permitted to place advertisement after getting license from the collector. The arrangement expired on 31.03.2018, the petitioner has no valid license as on date to place advertisement. Further, the inspection conducted on direction of the District Collector, certain repair works were asked to be done by the petitioner, which the petitioner has not completed. Now the 2nd respondent/Regional Director of Municipal Administration, vide proceedings, dated 15.07.2019 had recommended to the 1st respondent/Commissioner of Municipal Administration, Chepauk, Chennai, that the petitioner can be allowed to continue his work and also permitted to place advertisement for a period of three years subject to condition that the petitioner should get license from the District Collector for placing advertisement in compliance with Rules and Regulation.

6. It is also reiterated that the petitioner has no right to claim permission for a period of 20 years. The proceedings of the Regional Director of Municipal Administration/2nd respondent to the Commissioner of Municipal Administration/1st respondent, dated 15.07.2019 indicates that the right of placing advertisement for a period of three years is proposed to be granted in favour of the petitioner, subject to certain conditions.

7. In view of the order passed by the 2nd respondent, dated 15.07.2019, nothing survives in this Writ Petition. Accordingly, the Writ Petition is disposed of. Recording the order passed by the 2nd respondent/Regional Director of Municipal Administration. No costs.

bsm

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

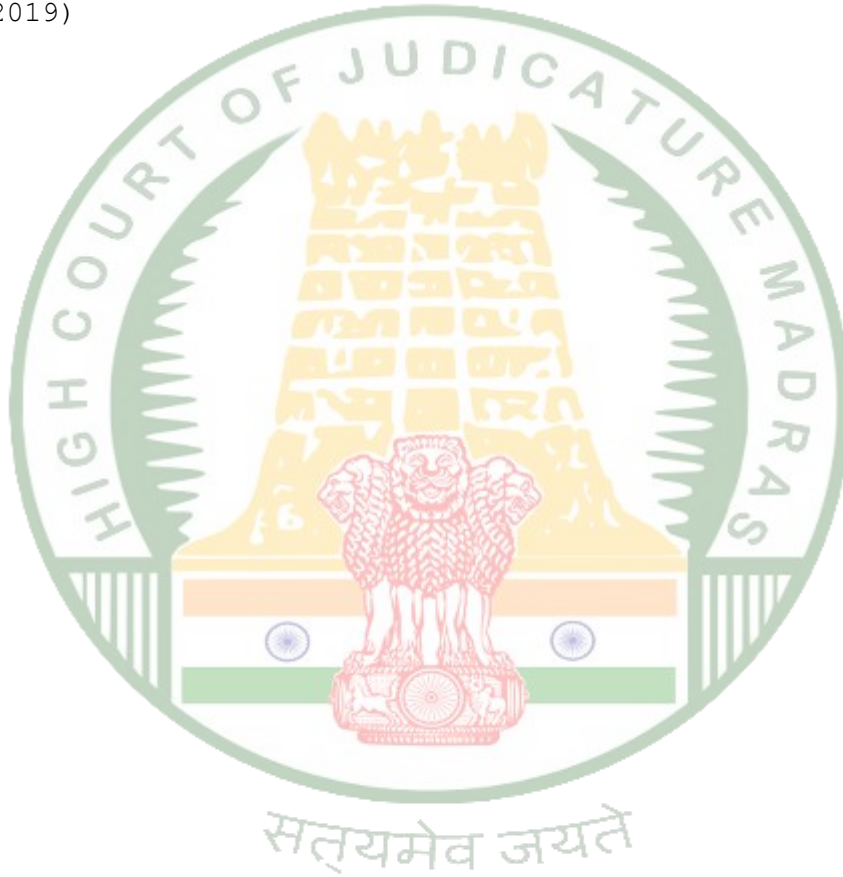
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+1cc to Mr.D.Suriya Narayanan, Advocate, SR.No.79500/19
+1cc to the Govt.Pleader, Vide Sr.No.79682/19

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Kak(08/11/2019)



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