

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.NOS.23931, 23933, 23934, 23935, 23937, 23938,
23969, 23972, 23974, 23978

AND

17398 OF 2019

ARA ADS,
rep. by its Proprietor,
Harisha, W/o.Nazrullah Khan,
No.19-A, Sree Sakthi Medicals,
1st Avenue, Ashok Nagar,
Chennai 600 083.

.. Petitioner in W.P.Nos.23931,
23933, 23934, 23935, 23937,
23938, 23969 of 2019,

KRL Advertising
Rep.by its Proprietor K.Ram Mohan Rao
Having office at
No.148, Nelson Manickam Road,
Metha Nagar, Chennai -29.

.. Petitioner in WP.No.17398 of 2019

NK ADS
Rep by its Proprietor Nazurullah Khan,
S/o.Abeeb Khan, No.19-A, Sree Sakthi Medicals,
1st Avenue, Ashok Nagar,
Chennai 600 083.

.. Petitioner in WP.Nos.23972 & 23974 of 2019

Temple ADS
Rep by its Proprietor Chandrasekar,
S/o.Venkatachaloam Sharma, No.22,
Thomas Road, Flat B-12,
T. Nagar Chennai 600 017.

.. Petitioner in WP.No.23978 of 2019

vs.

1. State of Tamil Nadu,
rep. by its Secretary,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai.
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.
... Respondents
in wll WPs except WP.No.17398 of 2019
- 1 The State of Tamil Nadu
Rep.by its Secretary
Municipal Administration and water Supply Department
Fort St.George, Chennai.
- 2 The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003.
- 3 The Executive Engineer
Corporation of Chennai
Zone - VIII, Chennai.
- 4 The Assistant Engineer
Corporation of Chennai
Zone VIII, Chennai.
- 5 The Zonal Officer
Corporation of Chennai,
Zone VIII Chennai.
.. Respondents in WP.No.17398 of 2019

Prayer:-

WP.No.23931 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the Respondents not to interfere with the hoarding business of the Petitioner, which is proposed to be erected having size of 24' x 12' hoarding which is proposed to be erected in the business premises situated at No.476/584, Anna Salai, Teynampet, Chennai 600 007, based upon the order of this Court in W.P.No.6913 of 2019 and W.P.No.6918 of 2019, dated 12.03.2019.

WP No.23933 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 24' x 12' hoarding which is proposed to be erected in the business premises situated at No.262 old.700, Anna Salai, Thousand Light, Chennai 600 006. based upon the order this Honourable Court in W.P.No.6913/2019 and W.P.No.6918/2019 dated 12/03/2019.

WP No.23934 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 15' x 10' hoarding which is proposed to be erected in the business premises situated at No.36/132, Sterling Road, Nungambakkam, Chennai 600 034. based upon the order this Honourable Court in W.P.No.6913/2019 and W.P.No.6918/2019 dated 12/03/2019.

WP No.23935 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 15' x 10' hoarding which is proposed to be erected in the business premises situated at No.4/127, LB Road, Adyar, Chennai 600 020 based upon the order this Honourable Court in W.P.No.6913/2019 and W.P.No.6918/2019 dated 12/03/2019.

WP No.23937 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 15' x 10' hoarding which is proposed to be erected in the business premises situated at No.8/9, Arcot Road, Valasaravakkam, Chennai 600 087 based upon the order this Honourable Court in W.P.No.6913/2019 and W.P.No.6918/2019 dated 12/03/2019.

WP No.23938 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 24' x 12' hoarding which is proposed to be erected in the business premises situated at No.80/64,Vivekanda Colony, (100 Feet Road) Vadapalani,Chennai 600 026 based upon the order this Honourable Court in W.P.No.6913/2019 and W.P.No.6918/2019 dated 12/03/2019.

WP No.23969 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 15' x 10' hoarding which is proposed to be erected in the business premises situated at No.24/16, Cathedral Road, Chennai 600 086 based upon the order of this Honble court in W.P.No. 6913/2019 and W.P. No. 6918/2019 dated 12.03.2019

WP No.23972 of 2019

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 15' x 10' hoarding which is proposed to be erected in the business premises situated at No 16/143, Dr.R.K.Salai, Mylapore, Chennai 600 004 based upon the order of thisHonble court in WP.No.6913/2019 and W.P No. 6918/2019 dated 12.03.2019

WP No.23974 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 24' x 12' hoarding which is proposed to be erected in the business premises situated at No 41 Velacherry Main Road, Vijaya Nagar, Chennai 600 042 based upon the order of this Honble court in WP. No. 6913/2019 and W.P No. 6918/2019 dated 12.03.2019

WP No.23978 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the hoarding business of the petitioner which is proposed to be erected having size of 15' x 10' which is proposed to be erected in the business premises situated at No 1, R K Mutt Road, Mylapore, Chennai 600 004 042 based upon the order of this Honble court in WP. No. 6913/2019 and W.P No. 6918/2019 dated 12.03.2019

WP No.17398 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, Directing the respondents to not to interfere with the Hoarding business of the petitioner which is proposed to be erected, 3 No. of having size of 15' x 10' hoardings which is proposed to be erected in the business premises situated at No.148, Nelson Manickam Road, Metha Nagar, Chennai 600 029, based upon the order of this Honourable Court dated 12/03/2019.

For Petitioner in all W.Ps.	:	Mr.R.Thirumoorthy
For 1st Respondent in all W.Ps.	:	Mr.Akhil Akbar Ali, Government Advocate
For 2nd Respondent in all W.Ps.	:	Mr.K.Soundarrajan

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

These Writ Petitions have been filed seeking a writ of mandamus directing the Respondents not to interfere with the hoarding business of the Petitioner.

2. Admittedly, the enactment viz. Amending Act 40 of 2018 has come into effect vide G.O.Ms.No.16/2019, dated 31.01.2019. Therefore, the prayer sought in the above Writ Petitions cannot be maintained.

3. Law is well settled that a relief cannot be granted contrary to law. Accordingly, all the above Writ Petitions are closed. No costs. Consequently, connected W.M.P.Nos.23777, 23779, 23780, 23781, 23782, 23784, 23824, 23825, 23826, 23829 and 16887 of 2019 are closed.

4. We make it clear that insofar as the vires of the Act is concerned, we do not express anything and therefore, all the issues are left open.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
Municipal Administration & Water Supply Department,
Fort St. George, Chennai.
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.
3. The Executive Engineer,
Corporation of Chennai,
Zone VIII, Chennai.
4. The Assistant Engineer,
Corporation of Chennai,
Zone VIII, Chennai.
5. The Zonal Officer,
Corporation of Chennai,
Zone VIII, Chennai.

+1cc to Mr.K.Soundarrajan, Advocate, S.R.No.91478

+1cc to the Government Pleader, S.R.No.92506

Common Order in
W.P.Nos.23931, 23933, 23934,
23935, 23937, 23938, 23969, 23972,
23974, 23978 and 17398 of 2019

CP(CO)
CS/02/12/2019