

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM:

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

W.P.Nos.23961 and 23964 of 2019
and
W.M.P.Nos.23818 and 23819 of 2019

Ara Ads,
Rep. by its Proprietor,
Harisha F/41,
W/o Nazrullahkhan,
No.19-A, Sree Sakthi Medicals,
1st Avenue, Ashok Nagar,
Chennai-600 083.

.. Petitioner in both the Writ Petitions

Vs.

1. The State of Tamilnadu,
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.

.. Respondents in both the Writ Petitions

Writ Petition No.23961 of 2019 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct 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.1, M.G.R. Nagar, Rajiv Gandhi Salai, (OMR), Kottivakkam, Chennai-600 041, 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.

Writ Petition No.23964 of 2019 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to not to interfere with the

hoarding business of the petitioner, which is proposed to be erected having size of 24'x12' which is proposed to be erected in the business premises situated at No.72, Velacherry Main Road, Pallikaranai, Chennai-600 100 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.

For petitioner : Mr.R.Thirumoorthy

For respondents : Mr.V.Shanmuga Sundar, Spl.G.P. for R-1
Mr.K.Soundararajan for R-2

ORDER

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

Writ Petition No.23961 of 2019 is filed by the petitioner praying for issuance of a Writ of Mandamus to direct 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' in the business premises situated at No.1, M.G.R. Nagar, Rajiv Gandhi Salai, (OMR), Kottivakkam, Chennai-600 041, 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.

2. Writ Petition No.23964 of 2019 is filed by the petitioner praying for issuance of a Writ of Mandamus to direct the respondents to not to interfere with the hoarding business of the petitioner, which is proposed to be erected having size of 24'x12' in the business premises situated at No.72, Velacherry Main Road, Pallikaranai, Chennai-600 100 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.

3. Today, when the Writ Petitions are taken up for consideration, the learned counsel for the first respondent-State and the learned Standing Counsel appearing for the second respondent submitted that the petitioner-Company's application (s), dated 15.12.2016 addressed to the second respondent, seeking for permission to erect the hoarding business in the place(s) in question, had already been rejected by the second respondent during the pendency of these Writ Petitions, as submitted by the learned Standing Counsel appearing for the second respondent-Corporation of Chennai, and therefore, the question of interfering with the hoarding business of the petitioner, which is proposed to be erected in the place(s) in question, does not arise and hence, at this stage, the Writ Petitions could not be entertained. However, the learned counsel for the petitioner insisted for passing the interim order of injunction restraining the respondents from removing the

hoarding proposed to be erected in the place(s) in question. Since the application(s) had been rejected as observed above, the question of granting even the interim order does not arise in these Writ Petitions. As against the said order of rejection of the application(s), there is an alternative remedy of appeal available to the petitioner-Company. In view of the rejection of the said application(s), nothing survives for adjudication in the present Writ Petitions, which are accordingly dismissed, with liberty to the petitioner-Company to file appeal before the first respondent as against the said order of rejection, if they so desire/advised. No costs. Consequently, W.M.Ps. are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government of TamilNadu,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai.
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No. 70878

W.P.Nos.23961 and 23964 of 2019

VG II(CO)
GN(09/10/2019)

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