

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.21865 of 2019

Sneham,
Rep. By its Founder,
B.Jayalekshmi, aged 37,
D/o Balan Pillai,
No.40/19, Welcome Colony,
Anna Nagar West,
Chennai 600 101. Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai.
2. The Commissioner,
Chennai Corporation,
Ripon Building,
Chennai 600 003.
3. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action and pass orders on the representation of the petitioner dated 24.09.2018 expeditiously in accordance with law.

For Petitioner .. Mr.L.K.Charles Alexander

For Respondents .. Mr.G.K.Muthukumar,
Spl. Govt. Pleader R1 & R3
Mr.K.Raja Shrinivas for R2

ORDER

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

This writ petition has been filed by the petitioner inter alia alleging that the public trees are being used for exhibiting posters by striking nails on them.

2. In the report filed by the Corporation of Chennai, the following statement has been made:-

"7. I submit that Sec.223-A of the Chennai City Municipal Corporation Act 1919 specifies the power of Council to set up hoardings and levy fees, which reads as follows:-

"Subject to the provisions of the [Tamil Nadu] Open Places (Prevention of Disfigurement) Act, 1959 ([Tamil Nadu] Act 2 of 1959) and sections 129-A to 129-F of this Act, the Commissioner may, the action of the council, set up, for the exhibition of advertisements, hoardings, erections or other things in suitable place owned by, or vested in the corporation and may permit any person to use any such hoarding, erection or thing on payment of such fees as may be prescribed by regulations made by the council in this behalf.

Explanation I:- For the purposes of Sections 129-D and 129-E, the persons who has permitted to use any hoarding, erection or thing under this Section shall be deemed to be the owner or the person in occupation of such hoarding, erection of thing.

Explanation II:- For the removal of doubts, it is hereby declared that any fee payable by any person to use any hoarding, erection or thing under this sections hall be deemed to be the owner or the person in occupation of such hoarding, erection or thing."

I submit that, so far the Greater Chennai Corporation had not granted any permission to any person, any company to provide

advertisement in trees. Hence, the erection of advertisement boards on trees is all unauthorized. Therefore, the Greater Chennai Corporation is taking necessary action to remove all the advertisement boards/placards/bill boards on the road side avenue trees, periodically.

... ..

... .. 10.

... .. I submit that during the meeting, it was emphasized that all unauthorized cables would be removed without any intimation. Further, all the Assistant Divisional Engineers (Electrical) were given instructions to conduct a special drive for removal of unwanted cable on the street lamp posts."

3. Though the learned counsel appearing for the Corporation of Chennai placing reliance upon the said report followed by another additional report would submit that action is being taken, there is absolutely no evidence to substantiate the same, particularly, in the light of the assertion made by the petitioner that such illegal activities are still going on.

4. The learned counsel for the petitioner has also produced photographs to show that advertisements have been made in various places including at Adayar.

5. In view of the above, we direct the petitioner to give a list of such trees over which nails have been struck and advertisements have been made apart from using writings and wires also going through them. This exercise will have to be done by the petitioner within a period of six weeks from the date of receipt of a copy of this order. On receipt of the same, the 2nd respondent shall take appropriate action within a further period of eight weeks. सत्यमेव जयते

6. This writ petition is disposed of accordingly with the above directions. No costs.

Post this matter for reporting compliance on 14.10.2020.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa/kmk

To

1.The Chief Secretary,
Government of Tamilnadu,
St.George Fort,
Chennai.

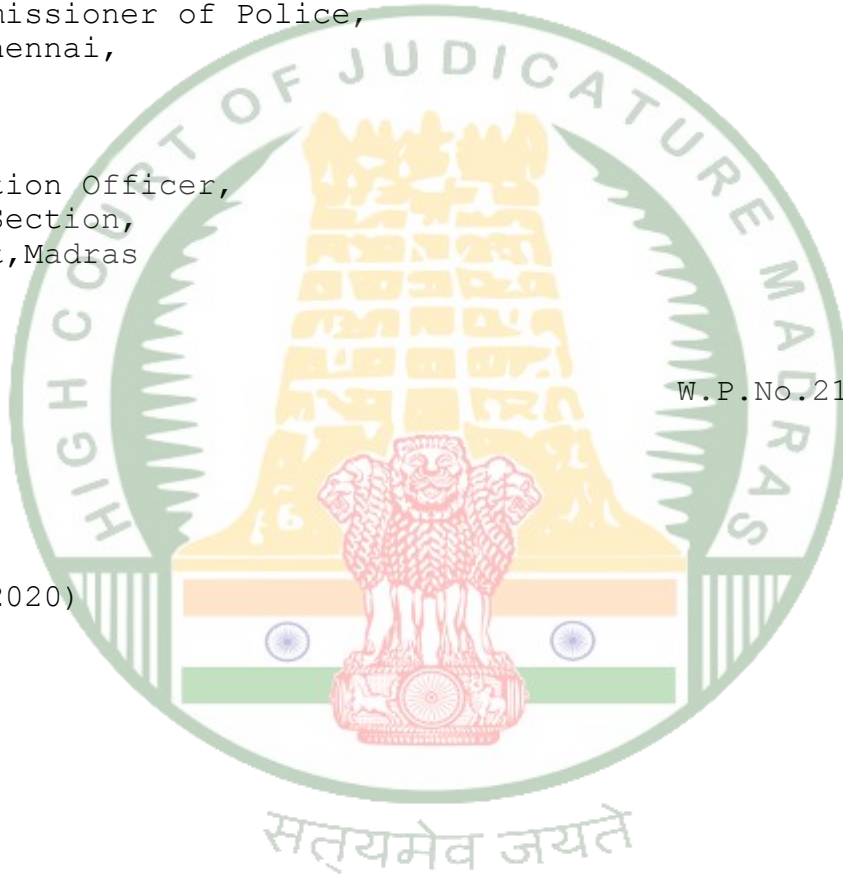
2.The Commissioner,
Chennai Corporation,
Ripon Building,
Chennai-600 003

3.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-7

4.The Section Officer,
Judicial Section,
High Court,Madras

W.P.No.21865 of 2019

AD(CO)
GS(16/09/2020)



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