

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.17607 of 2020

M/s.E.H.Turel & Company  
rep.by its Partner  
Mr.Viraf Turel,  
No.66, Second Floor,  
Alapakkam Main Road,  
Maduravoyal,  
Chennai 600 095.

.. Petitioner

Versus

1.The District Collector,  
Collectorate of Chennai,  
Chennai 600 001.

2.The Commissioner  
Greater Corporation of Chennai,

Rippon Building,  
Chennai 600 003.

3.The Zonal Officer

Zone No.9, Greater Chennai Corporation,  
No.8, Lake Area,  
Nungambakkam, Chennai 600 034.

4.The Tahsildar,

Egmore Taluk Office,  
Spur Tank Road,  
M.S.Nagar, Muktha Gardens,  
Egmore, Chennai 600031.

5.Mrs.Komal R.Nahar

Proprietrix

M/s.Nahar & Nahar Corporations.

.. Respondents

**Prayer:-** Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus Directing the Respondents 1 to 4 to remove the illegal digital banner put up by the 5th Respondent in the property belongs to the petitioner at door New No.7 Old No.4/A Haddows Road Opp. to Shastri Bhava Nungambakkam Chennai - 6 and the platform in front of the petitioners property in pursuance of the petitioners Representation dated 06.10.2020.

For Petitioner : Mr.C.A.Diwakar  
for Mr.K.Manikandan

For Respondents : Mr.K.Raja Srinivas  
Standing counsel for R2 & R3  
Mr.R.J.Radhika, Government Advocate  
for R1 and R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner Company is the owner of the property situate in New Door No.7, Old No.4/A, Haddows Road, opp to Shastri Bhavan, Nungambakkam, Chennai, admeasuring an extent of 1000 sq.ft. and the building consisting of four floors including ground floor. The petitioner would further aver that license was granted to the said premises in favour of the 5th respondent for carrying out the business of selling electronic goods, smartphones, gadgets and accessories and also to run a cafeteria in the name and style “M/s.N&N Hitech Pvt. Ltd” and a Leave License and Agreement dated 23.03.2016, for a period of 11 months also came into being.

2. The learned counsel appearing for the petitioner would submit that right from the inception of Leave License and Agreement, the 5th respondent had committed defaultment in payment of license fee and consequently license was also not renewed.

3. The primordial submissions made by the learned counsel appearing for the petitioner by drawing the attention of this Court to the photographs available at page nos.42 and 43 of the typed set of documents as well as G.O.Ms.No.175 of Municipal Administration Water Supply (Election) Department, dated 16.11.2020, is that the 5th respondent, without any license or authorisation had put up the banner, right on the public platform and thereby obstructing free flow of traffic and that apart, it is also being used as parking bay for two wheelers and he would further submit that a detailed representation dated 06.10.2020, submitted in this regard is yet to invoke any kind of response and therefore prays for appropriate orders.

4. Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of the respondents 1 and 4 and Mr.Raja Srinivas, learned standing counsel, who accepts notice on behalf of the respondents 2 and 3, would submit that depending upon the result of the inspection already caused, further action would be taken in accordance with law, by also adhering to the principles of natural justice.

5. This Court, taking into consideration the above facts and circumstances and rival submissions and without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the 3rd respondent to put on notice the 5th respondent and if the result of the inspection reveals any unauthorised banners or other erections have been made on the public platform, which in the opinion of the 3rd respondent, obstructs the free flow of traffic, shall take immediate and necessary steps to remove the alleged nuisance / obstruction by following the due process of law, as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 5th respondent.

6. The Writ Petition stands disposed of accordingly. No costs.

WEB COPY

[M.S.N.,J]

[R.H., J]

03.12.2020

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Internet : Yes/No

Index : Yes/No

M.SATHYANARAYANAN, J.,  
AND  
R.HEMALATHA.,J  
sk

To

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