



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.Nos.23 and 24 of 2018
and C.M.P.Nos.248 and 249 of 2018

M/s.Digital India
Rep. by its Proprietor,
S.Shaik Sulaiman,
No.11, 1st Floor, Triplicane,
Chennai - 600 005.

.. Appellant in W.A.No.23 of 2018

Tamil Nadu Digital Printing Sangam
(Registered No.383/2010)
Rep. by its President M.Suresh,
No.10, Chetty Street, Porur,
Chennai - 600 116.

.. Appellant in W.A.No.24 of 2018

Vs

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
2. The Assistant Commissioner,
Corporation of Chennai - Zone VIII,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.
3. The Commissioner,
Commissioner of Police,
Vepery, Chennai - 600 007.
4. Mr.Kannan, Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai - 600 106.
5. Mathi
6. B.Thirulochana Kumari

.. Respondents in both writ appeals



Appeals filed under Clause 15 of Letters Patent against paragraph 9 of the order dated 23.10.2017 made in W.P.No.23490 of 2017.

WEB COPY

PRAYER IN W.P.23490 of 2017:-

To issue a Writ of Mandamus to direct the first respondent with the assistance of the third respondent in order to remove the Party Board, Banner and Flag put up by the fifth respondent in front of the Petitioner's property at Door No.30-A, Navalur Street, Rani Anna Nagar, Arumbakkam, Chennai 600 106.

For Appellant : M/s.Gnanadesikan Law Associates
(in both cases)

For Respondents : Ms.Karthikaa Ashok for R1 & R2
(in both cases) Mr.S.John J Raja Singh for R3 & R4
No appearance for R5 & R6

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

Both these appeals have been filed against paragraph 9 of the order of the learned Single Judge, wherein, it has been held as follows:

"9.In order to maintain clean atmosphere in all the areas of the entire State of Tamil Nadu, and to avoid unnecessary drawings on the walls of the buildings/residential places in the areas, this Court directs the Chief Secretary to the Government of Tamil Nadu to ensure that clean atmosphere is maintained in that regard in the Wards of the Town Panchayat / Panchayat Union / Municipality / Corporation, etc., and shall also ensure that the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, amended from time to time, are complied with. If at all any permission is given by the authority concerned for erecting banners, flex boards, signboard etc., the authority concerned shall ensure that the photographs/pictures of such persons who are alive, shall not be depicted by way of those banners, flex boards, sign-boards, etc. It is further directed to ensure that the photographs/pictures of the persons who are sponsoring for the photographs/pictures, shall



WEB COPY

also not be depicted. In the context of all the above directions, the Chief Secretary shall send circular to all office bearers of the Wards of the Town Panchayat /Panchayat Union/Municipality/ Corporation etc."

2. It is submitted by both the counsel that the aforesaid portion of the order has already been set aside on an appeal filed by the respondents in W.A.No.1340 of 2017 dated 20.12.2017. The following is the operative portion of the order passed:-

"21. The order under appeal is set aside to the limited extent that the learned Single Bench has directed the concerned authorities to ensure that if any permission is given for erecting banners, photographs/pictures of living persons are not to be depicted. The directions on the Chief Secretary to the Government of Tamil Nadu are also modified by directing that the appropriate authorities shall ensure compliance with the order of the learned Single Bench as modified by this Court, and the requisite Statutes, Rules, Regulations and Order.

22. The appeal is disposed of accordingly. No costs. Consequently, CMP No.18513 of 2017 is closed."

3. In view of the same, the writ appeals stand allowed in part as indicated above with specific reference to paragraph 9 of the order of the learned Single Judge being set aside. In all other respects, the order of the learned single Judge is confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS)

// True Copy//

Sub Assistant Registrar

mml/ssm



To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.
2. The Assistant Commissioner,
Corporation of Chennai - Zone VIII,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai - 600 030.
3. The Commissioner,
Commissioner of Police,
Vepery, Chennai - 600 007.
4. The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai - 600 106.

+1cc to M/S. Karthika Ashok, Advocate, S.R.No.34501
+1cc to the Government Pleader, S.R.No.34976

W.A.Nos. 23 and 24 of 2018

AJS (CO)
SU(13/08/2021)