



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.9058 of 2021 and W.M.P. No.9597 of 2021

M/s.TRAID,

rep. by Partner S.Parthasarathy

... Petitioner

vs

1.The Union of India,
Ministry of Road Transport and
Highways Department,
rep. by Regional Officer,
Sasthri Bhavan, Besant Nagar,
Chennai - 600 090.

2.The State of Tamil Nadu,
rep. by its Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.

3.The Chief General Manager,
National Highways Authority of India,
Regional Office,
Sri Tower, 3rd Floor,
DP-34 (SP) Industrial Estate,
Guindy, Chennai-600 032.

4.The Executive Engineer,
National Highways,
Coimbatore-18.

5.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.

6.The District Collector,
Coimbatore District,
Coimbatore - 641 018.

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 4 to 6 respondent to consider the petitioner's application submitted in Appendix prescribed Form-I under sub Rule (1) of rule 3 of Tamil Nadu Urban Local Bodies Licensing of Hoardings and Levy and Collection of Advertisement Tax Rules, 2003 to grant permission to erect Digital Information Boards at HPCL Retail Outlet at Trichy Road, Coimbatore belonging to M/s.Sugana Rajagopal Agency and M/s.COMCO Retail Petrol Outlet at Nanjappa Road, Coimbatore where the two Digital Information Boards provisionally installed.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R2, 4 and 6

Mr.G.Karthikeyan,
Standing Counsel for R3

Mr.M.Karthikeyan for R1

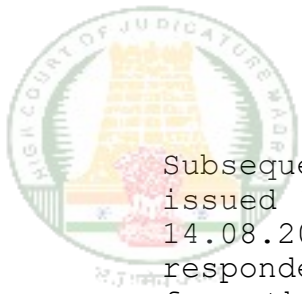
Mr.K.Magesh for R5

ORDER

[Order of this Court was delivered by T.RAJA, J.]

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing respondents 4 to 6 to consider the petitioner's application, submitted in Appendix prescribed Form-I under sub Rule (1) of Rule 3 of Tamil Nadu Urban Local Bodies Licensing of Hoardings and Levy and Collection of Advertisement Tax Rules, 2003 and grant permission to erect Digital Information Boards at HPCL Retail Outlet, situated at Trichy Road, Coimbatore, belonging to M/s.Sugana Rajagopal Agency and M/s.COMCO Retail Petrol Outlet, situated at Nanjappa Road, Coimbatore, where the two Digital Information Boards provisionally installed.

2.Learned counsel for the petitioner submitted that the HPCL Retail Outlet has already accepted the request of the petitioner on 11.09.2018 and permitted them for installation of LED Display in HPCL Retail Outlet. In this regard, the petitioner had submitted their application for provisional permission to erect hoarding/LED Board with enclosures. Thereafter, the District Collector, Coimbatore District, issued a letter dated 04.04.2019 to the Commissioner, Coimbatore City Municipal Corporation, the fifth respondent herein to send any objection for installation of LED display or to send NOC.



Subsequently, the Police Department by letter dated 29.06.2019 issued NOC for installation of LED Display and by letter dated 14.08.2019, the fifth respondent issued letter to the sixth respondent intimating that only after obtaining necessary orders from the Highways Department, the permission sought for by the petitioner would be considered and by letter dated 17.09.2019, the Revenue Divisional Officer issued No Objection for installation of LED Display. Thereafter, the District Collector, Coimbatore District, the sixth respondent also by letter dated 04.10.2019 directed the Police Commissioner and the Chief General Manager, National Highways Authority of India to inspect the proposed spot and submit a report thereof. But the Chief General Manager, National Highways Authority of India, the third respondent herein has not undertaken inspection to submit any report for the reason that the petitioner's application is pending with the District Collector, Coimbatore District. Therefore, the petitioner has been advised to come to this Court for the above prayer.

3.Learned Special Government Pleader appearing for respondents 2, 4 and 6 submitted that the petitioner has to approach only the Divisional Engineer, National Highways Department, Coimbatore with his request along with the relevant documents and after considering the request of the petitioner, the Divisional Engineer, National Highways Department, Coimbatore will forward the same to the District Collector, Coimbatore, the sixth respondent herein, who is the appropriate authority to pass necessary orders in this regard. Therefore, a direction be issued to the Divisional Engineer, National Highways Department, Coimbatore and to the District Collector, Coimbatore to consider the request of the petitioner.

4.Heard both sides.

5.Considering the submission made by both sides, we are inclined to issue suitable direction to the Divisional Engineer, National Highways Department, Coimbatore and to the District Collector, Coimbatore to consider the request of the petitioner. Accordingly, the petitioner is permitted to approach the Divisional Engineer, National Highways Department, Coimbatore with his request along with the relevant documents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Divisional Engineer, National Highways Department, Coimbatore, after considering the request of the petitioner, is directed to forward the same to the District Collector, Coimbatore, the sixth respondent herein, within a period of two weeks thereafter and the District Collector, Coimbatore shall consider the request of the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of two weeks thereafter.



6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, W.M.P. No.9597 of 2021 is closed.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

vga

To

1. The Union of India,
Ministry of Road Transport and
Highways Department,
rep. by Regional Officer,
Sasthri Bhavan, Besant Nagar,
Chennai - 600 090.
 2. The State of Tamil Nadu,
rep. by its Secretary,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai - 600 009.
 3. The Chief General Manager,
National Highways Authority of India,
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 4. The Executive Engineer,
National Highways,
Coimbatore-18.
 5. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore - 641 001.
 6. The District Collector,
Coimbatore District,
Coimbatore - 641 018.
 7. The Divisional Engineer,
National Highways Department, Coimbatore
- +1cc to Mr.K.Magesh, Advocate, S.R.No.14213
+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.14533
+1cc to Mr.J.R.K.Bhavanantham, Advocate, S.R.No.14321
+1cc to the Government Pleader, S.R.No.15563

W.P.No.9058 of 2021 and W.M.P. No.9597 of 2021

NK(CO)

SB(22/03/2022)