



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.21040 of 2019

and

W.M.P.Nos.20222, 20224, 20225, 30242 and 30247 of 2019

Tamil Nadu Digital Printing Association,
300-A, Chetty Street, Porur,
Chennai - 116,
Rep. by its President M.Suresh.

..Petitioner

vs

1. The State of Tamilnadu,
by Chief Secretary to Government of Tamilnadu,
Fort St. George, Chennai 600 009.
2. The State of Tamilnadu,
rep. by Secretary to Government of Tamilnadu,
Local Administration and W.S.Department,
Fort St. George, Chennai 600 009.
3. The Director-General of Police,
Office of the DGP, Chennai 600 004.
4. Tamilnadu Signage Material and Machinery
Traders Association, Rep. by its Authorized
Signatory Rajiv Agarwal.
(R-4 impleaded as per order dt.
22.11.2019 made in WMP.30268/2019)
5. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.
(R5 suo motu impleaded as per order
dt. 27.01.2020 made in WP)

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to introduce Online applications and grant of



license for erection of digital banners by single window system; to include in Rule 11 of the TN Urban Local Bodies (Permission for Erection of Digital Banners & Placards) Rules 2011 to exempt license for erection of a few digital banners of small family functions & temple functions; to liberalize tedious procedure for obtaining permission for erecting digital banners.

For the Petitioner : Mr.M.Devaraj

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by Mr.P.Muthukumar
State G.P., for RR 1 to 3

: No appearance for R-4
: Mrs.Karthikaa Ashok
Stdg. Counsel for R-

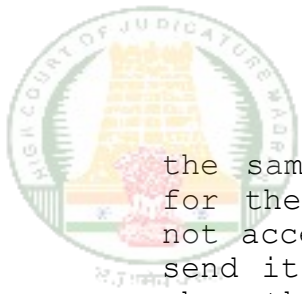
ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed to seek a direction on the respondents to introduce online application mechanism for grant of licence for erection of digital banners, by involving single window system so that the application could be processed without any delay as per the provisions of the Tamil Nadu Urban Local Bodies (Permission for Erection of Digital Banners and Placards) Rules, 2011.

2.The learned counsel appearing for the petitioner submits that the respondents are not entertaining any application for grant of licence and therefore, the petitioner was left with no other option but to prefer this writ petition to seek a direction for acceptance of the application for passing an order for grant of licence. The applications are not being accepted in view of certain litigations and interim orders therein, whereas this Court has not passed any blanket order restraining the officials to process the application submitted under the Rules of 2011. The system of online application would make the things easy to process the application and therefore, the prayer to that effect is also made.

3.The writ petition has been seriously contested by the learned Additional Advocate General, who submits that there is nothing on record to show that any member of the Association submitted any application which was not accepted by the competent authority. The writ petition does not incorporate any such application which was presented before the Authority and

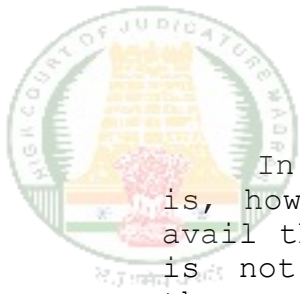


the same was not accepted. It is further submitted that even for the sake of argument it is presumed that the authority had not accepted the application, no one prevented the petitioner to send it through registered post. There is nothing on record to show the effort aforesaid and otherwise, if any application is submitted by the individual, it would be processed for grant of licence or denial thereof. In case of denial/rejection, remedy of appeal is available under the Rules of 2011. In view of the above and when there is nothing on record to show denial from consideration of application, the prayer in the writ petition cannot be accepted rather if there would have been denial of acceptance or consideration of application, the particular individual could have invoked the jurisdiction of this Court by placing on record the copy of the application intended to be given to the authority concerned or despite giving it, the same was not accepted by the competent authority. The prayer is accordingly to dismiss the writ petition.

4. We have considered the rival submissions of the parties and perused the records.

5. The writ petition has been filed by the Association on behalf of the members alleging non-acceptance of the application for grant of licence for erection of digital banners. There is nothing on record to show that any of the member of the Association has presented the application to seek a licence and the same was not accepted by the competent authority. To substantiate the present argument of the learned counsel for the petitioner, he should have submitted the copies of few applications amongst others to support the contention that despite the application being presented before the authority concerned, it has not been accepted. The direction of the nature cannot otherwise be given and it is more so when a serious contest to the prayer has been made by the learned Additional Advocate General. It is by submitting that as and when any application is presented, it would be accepted for consideration.

6. Taking the aforesaid into consideration and the fact that even if we accept the statement of the learned counsel for the petitioner that application has not been accepted by the authority, though a copy of such application is not placed on record, it has not been clarified as to why it was not sent through registered post to prove the effort of the members of the Association for submission of the application. In the absence of the material of the aforesaid nature, we are unable to persuade ourselves to pass an order of the nature prayed by the petitioner.



In view of the above, the writ petition is dismissed. It is, however, with liberty to the members of the Association to avail the remedy as per the provisions of law if the application is not accepted by the authority or for non-consideration thereupon if it is accepted. It is, however, made clear that in case any member of the Association intends to submit application to seek licence for erection of the digital banners, it should be submitted as per the provisions of Rules of 2011 and it could be sent even through registered post, which is made permissible. No costs. Consequently, W.M.P.Nos.20222, 20224, 20225, 30242 and 30247 of 2019 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The Chief Secretary to Government of Tamilnadu,
Fort St. George, Chennai 600 009.
2. The Secretary to Government of Tamilnadu,
Local Administration and W.S.Department,
Fort St. George, Chennai 600 009.
3. The Director-General of Police,
Office of the DGP, Chennai 600 004.
4. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai 600 003.

+1cc to Mr.M.Devaraj, Advocate, S.R.No.6779

W.P.No.21040 of 2019

AJB(CO)
RGA(08/02/2022)