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WP Nos.10361, 10363 and 10366 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

WP Nos.10361, 10363 and 10366 of 2023

WP No.10361 of 2023

Jaison Thomas

... Petitioner

versus

1.The Secretary

Government of Tamil Nadu
Municipal Administration Department
Fort St. George, chennai 600 009

2.The District Collector,

Coimbatore Collector's office
Coimbatore 641 018

3.The Commissioner

Coimbatore Corporation
Coimbatore - 641001.

(Respondent No.3 Suo motu impleaded vide
order dated 11.04.2023 in WP.10361/2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the 2nd Respondent to consider the License Applications submitted by the Petitioner herein and not to remove / dismantle or interfere with any



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Hoardings erected by the petitioner until the pending Applications mentioned in the schedule are considered under the new laws for regulating Hoardings which are yet to come into effect.

WP No.10363 of 2023

Natraj Sivakumar

... Petitioner

versus

- 1.The Secretary
Government of Tamil Nadu
Municipal Administration Department
Fort St. George, chennai 600 009
- 2.The District Collector,
Coimbatore Collector's office
Coimbatore 641 018
- 3.The Commissioner
Coimbatore Corporation
Coimbatore - 641001.

(Respondent No.3 Suo motu impleaded vide
order dated 11.04.2023)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the 2nd Respondent to consider the License Applications submitted by the Petitioner herein and not to remove / dismantle or interfere with any Hoardings erected by the petitioner until the pending Applications mentioned in the schedule are considered under the new laws for regulating Hoardings which are yet to come into effect.



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Jaison Thomas

... Petitioner

versus

1.The Secretary
Government of Tamil Nadu
Municipal Administration Department
Fort St. George, chennai 600 009

2.The District Collector,
Coimbatore Collector's office
Coimbatore 641 018

3.The Commissioner
City Municipal Corporation,
Big Bazaar Street,
Coimbatore - 641001.

4.The Commissioner of Police,
Coimbatore City
Huzur Road,
Coimbatore 641 018

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the 2nd Respondent to consider the License Applications submitted by the Petitioner herein and not to remove / dismantle or interfere with any Hoardings erected by the petitioner until the pending Applications mentioned in the schedule are considered under the new laws for regulating Hoardings which are yet to come into effect.

For Petitioner : Mr.A.K.Sriram
for M/s.A.S.Kailasam Associates

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
for respondents 1 to 3



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COMMON ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ petitions have been filed for a mandamus, directing the 2nd Respondent to consider the License Applications submitted by the Petitioners herein and not to remove / dismantle or interfere with any Hoardings erected by the petitioners until the pending Applications mentioned in the schedule are considered under the new laws for regulating Hoardings which are yet to come into effect.

2. Learned counsel for the petitioners have submitted that the petitioners have submitted their applications to the second respondent during 2015 for permitting them to erect hoardings as per the amended Rules and the said applications are still pending.

3. Learned counsel appearing for the petitioners would also submit that the said applications were submitted as per the pre amended rules in the year 2015 and therefore the said applications have to be considered by the respondents in the light of the pre amended rules only.



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4. According to them, the licenses have not been renewed so far on the basis of the said applications submitted by the petitioners.

5. Learned counsel appearing for the petitioners have also relied upon the order dated 28.04.2023 passed by this Court in W.P.No.25220 of 2018 etc. batch, wherein, the learned Additional Advocate General -II, appearing for the respondent Corporation therein has specifically submitted, *"that the petitioners have to pay the rent at the last old rate as per the undertaking given before this Court and on payment, their applications will be considered as per the new Rules"* and based on the submission made by the learned Additional Government II, this Court directed the petitioners, who have filed applications for license, to pay the rent as per the old rate at Rs.70/- per sq. ft. to the Greater Chennai Corporation from the date of their erection of hoardings till 13.04.2013, the date on which the new Rules came into force. Further, on such payment, the respondents were directed to consider the applications of the petitioners therein.

6. Mr. Selvendran, learned Special Government Pleader has



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objected that no approval has been given with reference to the illegal hoardings. Therefore, according to him, this issue is to be left open to the authority concerned, taking into consideration the earlier order passed.

7. It is seen that the petitioners have submitted their applications in the year 2015 and subsequently no permission or license has been granted for erecting the hoardings. Originally, the applications were submitted to the District Collector, however now, as per the new rules, the Commissioner is the competent authority to consider the said applications.

8. In view of the above, we direct the third respondent to consider the applications of the petitioners submitted in the year 2015 and to pass appropriate orders, in accordance with law, as expeditiously as possible, within a period of four weeks, from the date of receipt of a copy of this order. Further, if any specific details have to be given, it is open to the petitioners to furnish all such details along with the order copy addressed to the third respondent Commissioner.



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9. We make it clear that we are not expressing any opinion on the merits of the case. It is needless to say that the petitioners shall send copies of the said representations along with other details addressed to the Commissioner of Corporation, within a period of one week from the date of receipt of a copy of this order.

10. With the above directions, the writ petitions stand disposed of with the above directions. There will be no orders as to costs. Consequently, W.M.P. Nos.10327, 10329 & 10332 of 2023 are closed.

[D.K.K., J.] [P.D.B., J.]
15.06.2023

Index : Yes/No
Neutral Citation : Yes/No
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D.KRISHNAKUMAR, J.
and
P. DHANABAL, J.

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To

- 1.The Secretary
Municipal Administration Department
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- 2.The District Collector,
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