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W.P.No.20880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE N.MALA**

W.P.No.20880 of 2023

T.S.Jeyabal
Partner/Authorised Signatory,
Goldenmedia,
No.21-A, Railnagar,
Eengampalayam,
Erode - 638 009

..Petitioner

Vs.

1. The District Collector,
Erode.

2. The Commissioner,
Erode Corporation,
Erode.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to consider the representation submitted by the petitioner dated 16.06.2023 in person and 11.07.2023 by post consequently extended the benefit of Clause (C) of the common order dated 28.04.2023 in the batch of writ petitions W.P.No.25220 of 2018 etc., on the file of this Hon'ble Court, thereby directing the respondents herein to receive the applications of the petitioner as per the new Rules.



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For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel
for Mr.K.Muthu Ganesa Pandian

For Respondents : Mr.P.Gurunathan,
Additional Public Prosecutor for R1
Mr.M.Raja Mathivanan
Standing Counsel for R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to consider the representation submitted by the petitioner dated 16.06.2023 in person and 11.07.2023 by post, consequently extended the benefit of Clause (C) of the common order dated 28.04.2023 in the batch of writ petitions W.P.No.25220 of 2018 etc., on the file of this Hon'ble Court, thereby directing the respondent herein to receive the applications of the petitioner as per the new Rules.

2. According to the petitioner, he is doing advertisements through erection of advertisement board/placard/hoardings under the name of Goldenmedia. The petitioner had obtained hoarding licence for erection of hoardings in private buildings from the District Collector, Erode District under the old Erode Municipal Corporation Act, 2008, in



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proceedings dated 27.10.2016 for three years. All of a sudden, the respondent issued a proceeding straight away to the owner of the private buildings where hoardings were placed and directed them to remove all those hoardings, without any such notice being served on the petitioner who was the licensee. The 2nd respondent issued proceedings dated 18.04.2018 to remove the advertisement board of the petitioner within Erode Minicipal Corporation. Challenging the same, the petitioner preferred writ petition before this Court and this Court granted interim order on 27.04.2018. A batch of writ petition, W.P.No.6913 of 2018 was filed before this Court challenging the amendment to Section 326 of the old Act that the hoardings can be erected only in the property belonging to Corporation. This Honb'e Court held the said Amendment as unconstitutional and directed the Corporation to frame suitable laws and rules as per the guidelines issued in G.O.(4D) No.2, Municipal Administration and Water Supply department dated 05.06.2018 and the said process should be completed within one month. However, the authorities started removing the Hoardings by taking coercive measures without framing any rules or modifying the existing rules which was suitably stalled by this court by order dated 11.03.2020. Against which,



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though the Government went upto the Hon'ble Supreme Court, the Government did not prosecute the SLP. Hence, the order passed in W.P.No.6913/2019 etc. batch dated 11.03.2020 became final. Subsequently, a common order dated 28.04.2023 was passed in the batch of writ petition by the Hon'ble Division Bench of this Court in W.P.Nos.25220 of 2018 etc. Unfortunately, the writ petition filed by the petitioner was omitted to be included in the list of batch of writ petitions by inadvertence. The direction issued in Clause (C) in the common order dated 28.04.2023 is applicable to the writ petitioner who has not submitted the application as per new rules entitling the benefit of eight weeks time. However, on coming to know of the above order, the petitioner submitted application to the respondent corporation on 16.06.2023 in person and on 11.07.2023 through post. Since the common order was not passed in the petitioner's writ petition, the respondent is not accepting the application stating that the petitioner's writ petition is not included in the above common order. Hence, the present writ petition.

3. Considering the facts and circumstances of the case and in the light of the order passed by this Court in W.P.No.25220 of 2018 etc.,



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batch, a direction is issued to the 2nd respondent to consider the representations of the petitioner dated 16.06.2023 and 11.07.2023 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of accordingly. No costs.

(J.N.B,J.) (N.M., J.)
21.07.2023

Index : Yes / No
Internet : Yes
vsi

To

1. The District Collector,
Erode.
2. The Commissioner,
Erode Corporation,
Erode.



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J. NISHA BANU, J.
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