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W.P.No.21094 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

and

THE HON'BLE MRS. JUSTICE N.MALA

W.P.No.21094 of 2023

and W.M.P.Nos.20487 & 20489 of 2023

M/s.Kavin Enterprises,

Rep. By its Proprietor Mr.Narmada

... Petitioner

-Vs-

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

2. The Secretary to Government of Tamil Nadu,
Law Department,
Fort St.George, Chennai 600 009

3. The Deputy Commissioner,
Greater Chennai Corporation,
Ripon Buildings,
Chennai 600 003

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for proceedings dated 13.06.2023 bearing reference No.R.D.C.No.G4/002883/2023 issued by the



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third respondent and quash the same and direct the third respondent to take into account of the old rules and calculate the period after deducting Covid-19 Lockdown period while calculating the damages as per the direction in order dated 28.04.2023 in W.P.No.25220 of 2018 & batch.

For Petitioner : Mr.A.S.Kailasam and Associates

For RR 1 & 2 : Mr.J.Ravindran, AAG
Assisted by Mr.A.Selvendran,
Spl. Government Pleader &
Mr.E.Vijay Anand,
Addl. Government Pleader

For R-3 : Mrs.K.Aswini Devi,
Standing Counsel

ORDER

(Order of the Court was made by J.NISHA BANU, J., and N.MALA, J.,)

Challenging the impugned proceeding issued by the Greater Chennai Corporation in respect of demand notice/demanding remittance of rent/damage fee for erection of hoardings, the petitioner has filed the above Writ Petition.

2. The Commissioner, Greater Chennai Corporation (hereinafter referred to as “GCC”) is the authority to grant permission for erection of



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Hoarding within the Greater Chennai Corporation limit. As per the Rules, a person who intends to erect a Hoarding must submit an application as per the forms prescribed in the Rules enclosing the required documents including No Objection Certificate from the Traffic Police and a certificate with regard to structural strength of such Hoardings.

3.This Court, on 26.07.2023, found that there is no infirmity in the impugned order passed by the 3rd respondent holding that the petitioners had not declared the date of erection of the illegal hoardings and therefore, the 3rd respondent assessed the rent for one license period i.e., for 3 years. Further, this Court, as an interim measure directed the petitioners to pay the rent/damage fees for one license period as per the rate fixed by this court in the Order dated 28.04.2023 but in square meters, within a period of two weeks.

4. Aggrieved by the final order passed by this court dated 28.04.2023, some of the petitioners filed Special Leave to Appeal (C)Nos. 17284 of 2023 and SLP (C)Nos.17226 – 17232 of 2023 before the **Hon'ble Supreme Court**



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and the Supreme Court, by order dated 08.08.2023 fixed the license fee for erecting the hoardings at Rs.3,000/- per square meter with effect from December, 2022 till date.

5.Subsequently, when SLP(C).Nos.17204 of 2023 etc batch was taken up on 14.08.2023, the Hon'ble Supreme Court, held as follows:-

“Though the petitioners are assailing the orders impugned herein, the detailed consideration of the same need not be made herein, since this Court in analogous petitions in SLP (C) No. 17204 of 2023 had taken note of the contentions and had permitted the petitioners-therein who are similarly placed as that of the petitioners-herein to pay the amount due and payable from December, 2022 onwards and seek consideration of their right to continue and determination of actual arrears. In that light, the petitioners are permitted to continue to hold on to the advertisement hoardings.

In that view of the matter, the petitioners-herein are also permitted to pay the license fee from December 2022 onwards within a period of two weeks.



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In addition, they shall furnish all the documents to the Competent Authority to determine the period from which each of the petitioners have been existing and carrying on their advertisement hoardings. Such documents be filed within two weeks. The Competent Authority shall consider the same and determine the date of erection of the hoardings and pass the appropriate orders thereto. Such exercise shall be completed by the Competent Authority within four weeks from the expiry of the two weeks provided to the petitioners to furnish the documents, after providing opportunity of hearing to the petitioners, by the Competent Authority.

Needless to mention that any recovery of the license fee earlier to December, 2022 will depend on the consideration made by the Competent Authority and the consideration of the correctness of the said order if the petitioners are aggrieved and if they avail their appropriate remedies in accordance with law. In that regard, the contentions are left open.

It is, therefore, made clear that if the amount calculated from December, 2022, is paid by the petitioners within two weeks from this day, the existing



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hoardings shall continue until the decision is taken by the Competent Authority or by the forum concerned.

Keeping in view this order, we feel that the writ petitions which are pending before the High Court would not arise for further consideration since the parties, if aggrieved, can avail their remedies against the fresh cause of action based on the determination to be made by the Competent Authority.

In terms of the above, these petitions stand disposed of.”

6. Earlier on 26.07.2023 this Court had directed the petitioner to pay the license fee and the case was directed to be posted for compliance today. Today, when the matter is called, learned counsel for the petitioner has not reported compliance.

7. In spite of ample opportunities given to the petitioner and directions given by the Hon'ble Supreme Court in this regard, the petitioner has not paid the license fee. Therefore, the writ petition stands dismissed. The



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respondents are directed to remove the hoardings as per Rules. No costs.

Consequently, connected miscellaneous petitions are closed.

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

14.09.2023

Index : Yes/No

Speaking order/Non-speaking order
sts

To:

1.The Secretary to Govt. of Tamil Nadu
Municipal Administration Department
Fort St.George
Chennai – 600 009.

2.The Secretary to Govt. of Tamil Nadu
Law Department
Fort St.George
Chennai – 600 009.

3.The Deputy Commissioner (R&F)
Greater Chennai Corporation
Ripon Buildings
Chennai – 600 003.



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J.NISHA BANU, J.,
and
N.MALA, J.,
sts

Order made in
W.P.No.21094 of 2023

Dated:
14.09.2023