



WEB COPY



W.P.No.33796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2023

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

AND

THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P.No.33796 of 2022

AND

W.M.P.No.33298 of 2022

M/s.Sivalaya Advertising
Rep. by its Proprietor
B.Elangovan
55/40, Bangalore Road
Vellore 632 004
Vellore District

.. Petitioner

Vs.

The District Collector
Ranipet
Ranipet District

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the respondent in Na.Ka.Aa.3/1038/2019 dated 07.10.2022 and quash the same and direct the respondent to grant the petitioner permission to erect hoardings as sought for by the petitioner.



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For Petitioner : Mr.R.Vijaya Kumar
For Respondent : Mr.P.Gurunathan
Additional Government Pleader

ORDER

(Order of the Court was made by V.M.VELUMANI, J.)

The present writ petition has been filed to quash the impugned order dated 07.10.2022 passed by the respondent in Na.Ka.Aa.3/1038/2019.

2. By consent of both the learned counsel appearing for the petitioner as well as Mr.P.Gurunathan, learned Additional Government Pleader, who takes notice for the respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he is carrying on advertisement business and he was permitted to erect hoardings in the land belonging to the PWD, Water Resources Department, adjoining the National Highways on the right side of the new bridge within the limits of Arcot Municipality and also at Visharam Mugappu in the Bangalore-Chennai Highway, Thennandhialam Village, Walajah Taluk, *vide*



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proceedings of the District Collector dated 31.12.2015. The District Collector, Vellore, on 26.05.2016, called for a report from the concerned departments.

Except the Assistant Director of Panchayats, Vellore, all other Departments have recommended for erection of hoardings as sought for by the petitioner. The District Collector, Vellore did not pass any orders on the application submitted by the petitioner. In the meanwhile, Vellore District was bifurcated as Vellore, Tirupathur and Ranipet Districts. The places where the petitioner erected hoardings comes under Ranipet District. The respondent by his proceedings dated 09.01.2020, called for a report from (1) The Deputy Superintendent of Police, Ranipet, (2) The Commissioner, Arcot Municipality, (3) The Executive Engineer, PWD, Water Resources Department, Vellore and (4) The Assistant Director of Panchayats, Vellore, with regard to the current status. The Executive Engineer, PWD, Water Resources Department, Vellore by his letter dated 02.11.2021 recommended for grant of license. The Superintendent of Police, Ranipet also gave a no objection letter dated 14.03.2022. Thereafter, the Commissioner, Arcot Municipality, after taking note of the recommendation of the PWD Department and the no objection letter given by the Superintendent of Police, fixed the charges and by proceedings dated 22.07.2022, called upon the petitioner to pay Rs.37,000/- to the Municipality. Accordingly, the petitioner paid the charges to the



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Arcot Municipality on 27.07.2022. While so, the respondent *vide* impugned order dated 07.10.2022, rejected the request of the petitioner for erection of hoardings. In such circumstances, the petitioner has come out with the present writ petition to quash the impugned order.

4. Learned counsel appearing for the petitioner submitted that the Government has now framed Tamil Nadu Urban Local Bodies Rules, 2023, on 12.04.2023 and further submitted that the respondent, while considering the request of the petitioner, did not consider any of the report of the authorities concerned and on erroneous reason rejected the request of the petitioner and prayed for allowing the Writ Petition.

5. The respondent filed counter affidavit.

6. Mr.P.Gurunathan, learned Additional Government Pleader appearing for the respondent referred to the counter affidavit and submitted that as per G.O.Ms.No.175, dated 16.11.2011 and Sections 6 and 7 of the Tamil Nadu Urban Local Bodies (Permission for erection of Digital Banners and Placards) Rules 2011, a hoarding can be erected only at a distance of 100 meters from the road. He



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also submitted that this Court, by the order dated 11.08.2014 in W.P.No.26772 of 2013, held that no hoardings can be erected by encroaching Government lands and water bodies and prayed for dismissal of the writ petition.

7. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondent and perused the entire materials on record.

8. From the impugned order, it is seen that the respondent has not considered any of the report submitted by the Executive Engineer, PWD, Water Resources Department, Vellore and the no objection given by the Superintendent of Police, Vellore. Further, the respondent has also not considered the payment of Rs.37,000/- by the petitioner, as directed by the Commissioner, Arcot Municipality towards advertisement fees. There is no material to show that the respondent has considered the Government Order and the order of this Court relied on by him in the counter affidavit.

9. In view of the above, the impugned order of the respondent dated 07.10.2022 is set aside and the application of the petitioner is remanded to the



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respondent and the respondent is directed to consider all the reports of the authorities produced in the typed set of papers and payment of Rs.37,000/- to the Commissioner, Arcot Municipality towards advertisement charges and also the Tamil Nadu Urban Local Bodies Rules, 2023, framed by the Government on 12.04.2023 and pass orders within a period of eight weeks from the date of receipt of a copy of this order. It is open to the respondent to consider the Government Order and order of this Court now relied on by him in the counter affidavit and pass speaking order. Till the application of the petitioner is considered and orders passed, the respondent is restrained from taking any coercive steps against the petitioner.

With the above directions, this writ petition is allowed. No costs.
Connected Miscellaneous Petition is closed.

(V.M.V.,J.) (V.L.N.,J.)
25.04.2023

Index : Yes/No
Neutral citation : Yes/No

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To
The District Collector
Ranipet
Ranipet District



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V.M.VELUMANI, J.
AND
V.LAKSHMINARAYANAN, J.

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