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W.P.No.25220 of 2018 etc. batch

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 28.04.2023

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

and

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.Nos.25220 & 25221 of 2018

and

W.P.No.25856 of 2019

and

W.P.Nos.20129, 22094 & 22099 of 2021

and

W.P.Nos.8035, 8088, 11916, 18812, 22626, 28299, 29731, 30747, 31115,  
31589, 31699, 31701, 31827, 32534, 32930, 34336, 34861 of 2022

and

W.P.Nos.599, 679, 952, 957, 960, 1055, 3298, 4472, 4830, 5543, 5544,  
6155, 6308, 7544, 9684, 10957 of 2023 (39 wps)

and

W.M.P.Nos.29326, 29327, 35395, 35396 of 2018

and

W.M.P.No.25294 of 2019

and

W.M.P.Nos. 21403, 21405, 23314, 23317, 23321, 23322 of 2021

&

W.M.P.Nos.8014, 8015, 8016, 8060, 8062, 8063, 11336, 18161, 18162,  
21682, 21683, 27612, 29124, 30177, 30525, 31018, 31038, 31138,  
31142, 31144, 31146, 31267, 31271, 31291, 31939, 31941, 32323,  
33798, 34272 of 2022

&

W.M.P.Nos.544, 618, 928, 929, 934, 935, 943, 944, 1048, 1051, 1052 ,  
3348, 4496, 4855, 5563, 5564, 6179, 6180, 6336, 6338, 7654, 9238,  
9746, 9747, 9749, 10845, 10846, 10849 of 2023



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**W.P.No.25220 of 2018**

M/s.Focus Media  
Rep. by its Partner K.Ramya  
No.65, Anjugam Nagar 3<sup>rd</sup> Street  
Ashok Nagar, Chennai 600 083.

.. Petitioner

Vs.

Greater Chennai Corporation  
Rep. by its Commissioner  
Rippon Buildings  
Chennai 600 003.

.. Respondent

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the file of the respondent in proceedings No.R.D.C.No.G4/05827/2018 dated 12.09.2018 and quash the same and direct the respondent to consider the application for renewal under unamended Sec.326A of the Chennai City Municipal Corporation Act, 1919.

|                                                                                                                                                                                                                                                            | <i>Counsel for petitioner (s)</i>                                 | <i>Counsel for respondent (s)</i>                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| W.P.No.25220 of 2018<br>W.P.No.25221 of 2018<br>W.P.No.25856 of 2019<br>W.P.No.20129 of 2021<br>W.P.No.8035 of 2022<br>W.P.No.8088 of 2022<br>W.P.No.952 of 2023<br>W.P.No.957 of 2023<br>W.P.No.960 of 2023<br>W.P.No.6155 of 2023<br>W.P.No.6308 of 2023 | Mr.A.K.Sriram, Senior Counsel for M/s.A.S.Kailasam and Associates | Mr. Haja Nazirudeen, Additional Advocate General-I, assisted by Mr.P.Gurunathan, Addl. Govt. Pleader, for R1, R2, R4 to R6 in W.P.No.20129 of 2021, for R1 in W.P.No.25856 of 2019, for R1, R2 & R4 in W.P.No.6308 of 2023, for R1, R3 to R5 in W.P.Nos. 8035, 8088 of 2022, 952, |



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|                                                                                                                                                                                                                                                                                                                                      | <i>Counsel for petitioner (s)</i>                        | <i>Counsel for respondent (s)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| W.P.No.9684 of 2023                                                                                                                                                                                                                                                                                                                  | Mr.A.K.Sriram, Senior Counsel for Mr.D.Mario Johnson     | 957, 960, 6155 & 9684 of 2023<br><br>Mr.J.Ravindran, Additional Advocate General – II assisted by Mrs.K.Aswini Devi, Standing Counsel for R3 in W.P.No.20129 of 2021 & W.P.No.6308 of 2023, for respondent in W.P.Nos.25220 & 25221 of 2018, for R2 in W.P.No.25856 of 2019, for R2 & R6 in W.P.No.9684 of 2023, for R2, R6 & R7 in W.P.Nos.8035 & 8088 of 2022, 952, 957 & 960, 6155 of 2023.                                                                                                             |
| W.P.No.11916 of 2022<br>W.P.No.28299 of 2022<br>W.P.No.30747 of 2022<br>W.P.No.31115 of 2022<br>W.P.No.31827 of 2022<br>W.P.No.32930 of 2022<br>W.P.No.34336 of 2022<br>W.P.No.599 of 2023<br>W.P.No.4830 of 2023<br>W.P.No.5543 of 2023<br>W.P.No.5544 of 2023<br>W.P.No.3298 of 2023<br>W.P.No.4472 of 2023<br>W.P.No.7544 of 2023 | Mr.R.Singaravelan, Senior Counsel for Mr.R.Vijaya Kumhar | Mr.Haja Nazirudeen, Additional Advocate General-I, assisted by Mr.P.Gurunathan, Addl. Govt. Pleader for R1 and R2 in W.P.No.11916 of 2022, for R1 in W.P.Nos.28299, 30747, 31115, 31827, 32930, 34336 of 2022, W.P.Nos.599, 3298, 4472, 4830, 5543, 5544, 7544 of 2023<br><br>Mr.J.Ravindran, Additional Advocate General – II assisted by Mrs.K.Aswini Devi, Standing Counsel for R3 to R6 in W.P.No.11916 of 2022, for R2 in W.P.Nos. 28299, 30747, 31115, 31827, 32930, 34336 of 2022, 599, 3298, 4472, |



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|                                                                                                                                             | <i>Counsel for petitioner<br/>(s)</i>                                       | <i>Counsel for respondent (s)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                             |                                                                             | 4830, 5543, 5544, 7544 of 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| W.P.No.22626 of 2022                                                                                                                        | Mr.C.Seethapathy                                                            | Mr.Haja Nazirudeen,<br>Additional Advocate<br>General-I, assisted by<br>Mr.P.Gurunathan, Addl.<br>Govt. Pleader for R1 & R2.<br><br>Mr.J.Ravindran, Additional<br>Advocate General – II<br>assisted by Mrs.K.Aswini<br>Devi, Standing Counsel for<br>R3.                                                                                                                                                                                                                                           |
| W.P.No.22094 of 2021<br>W.P.No.22099 of 2021<br>W.P.No.18812 of 2022<br>W.P.No.29731 of 2022<br>W.P.No.31701 of 2022<br>W.P.No.1055 of 2023 | Mr.S.T.S.Murthy,<br>Senior Counsel<br>assisted by Mr.Naveen<br>Kumar Murthy | Mr.Haja Nazirudeen,<br>Additional Advocate<br>General-I, assisted by<br>Mr.P.Gurunathan, Addl.<br>Govt. Pleader for R1 in<br>W.P.Nos.29731 & 31701 of<br>2022 and for R1 & R2 in<br>W.P.Nos.22094, 22099 of<br>2021, 18812 of 2022 &<br>1055 of 2023<br><br>Mr.J.Ravindran, Additional<br>Advocate General – II<br>assisted by Mrs.K.Aswini<br>Devi, Standing Counsel for<br>R2 in W.P.Nos.29731 &<br>31701 of 2022, for R3 in<br>W.P.Nos.22094, 22099 of<br>2021, 18812 of 2022 &<br>1055 of 2023 |
| W.P.No.32534 of 2022                                                                                                                        | Mr.S.Sai Shankar                                                            | Mr.Haja Nazirudeen,<br>Additional Advocate<br>General-I, assisted by<br>Mr.P.Gurunathan, Addl.<br>Govt. Pleader for R1 and<br>R3<br><br>Mr.J.Ravindran, Additional<br>Advocate General – II                                                                                                                                                                                                                                                                                                        |



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|                                                  | <i>Counsel for petitioner<br/>(s)</i> | <i>Counsel for respondent (s)</i>                                                                                                                                                                                                                                                 |
|--------------------------------------------------|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                  |                                       | assisted by Mrs.K.Aswini Devi, Standing Counsel for R2 & R4                                                                                                                                                                                                                       |
| W.P.No.679 of 2023<br>W.P.No.34861 of 2022       | Mr.S.Gopinath                         | Mr.Haja Nazirudeen, Additional Advocate General-I, assisted by Mr.P.Gurunathan, Addl. Govt. Pleader for R1.<br>Mr.J.Ravindran, Additional Advocate General – II assisted by Mrs.K.Aswini Devi, Standing Counsel for R2 to R5                                                      |
| W.P.No.10957 of 2023                             | Mr.D.S.Rajasekaran                    | Mr.Haja Nazirudeen, Additional Advocate General-I, assisted by Mr.P.Gurunathan, Addl. Govt. Pleader for R1 & R2.<br><br>Mr.J.Ravindran, Additional Advocate General – II assisted by Mrs.K.Aswini Devi, Standing Counsel for R3<br><br>Mr.K.Tamil Vendan, Govt. Adv. for R4 to R6 |
| W.P.No.31589 of 2022<br><br>W.P.No.31699 of 2022 | Mr.D.Ashok Kumar                      | Mr.J.Ravindran, Additional Advocate General – II assisted by Mrs.K.Aswini Devi, Standing Counsel for Respondent in W.P.No.31699 of 2022 and for R1 in W.P.No.31589 of 2022                                                                                                        |



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## **COMMON ORDER**

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

W.P.Nos.25220, 25221 of 2018 and 25856 of 2019 are filed for a Writ of Certiorarified Mandamus challenging the order of the Greater Chennai Corporation for rejection of applications and directing them to consider the applications of the petitioners for renewal of license.

W.P.Nos.11916, 28299, 30747, 31115, 31589, 31699, 31827, 32930, 34336 of 2022, 599, 679, 3298, 4472, 4830, 5543, 5544 and 7544 of 2023 are filed for a Writ of Mandamus for forbearing the Commissioner, Greater Chennai Corporation not to remove the hoardings erected by the advertisers in any manner inclusive of dispossession, dismantling or causing any disturbance either by themselves, their workmen, agents and representatives.

W.P.Nos.20129, 22094, 22099 of 2021, 8035, 8088, 18812, 22626, 29731, 31701, 32534 of 2022, 952, 957, 960, 1055, 6308, 6155, 9684, 10957 of 2023 are filed for challenging the order of the Greater Chennai Corporation for removal of unauthorised hoardings and for forbearing the Commissioner, Greater Chennai Corporation from interfering with



W.P.No.25220 of 2018 etc. batch

the peaceful possession and enjoyment of the Hoardings erected by the petitioners.

W.P.No.34861 of 2022 filed for a direction to the respondents to frame appropriate Bye-laws and permit the petitioners for erection of hoardings in private property.

2.The facts involved in all the Writ Petitions are one and the same and relates to removal of Hoardings erected by the petitioners and hence, disposed of by this common order.

3. Earlier, a Hoarding can be erected only after obtaining permission from the District Collector. Subsequently, the Commissioner, Greater Chennai Corporation (hereinafter referred to as “GCC”) is the authority to grant permission for erection of 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.



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3(i). While so, a Public Interest Litigation in W.P.No.19556 of 2015 was filed by one Muthukrishnan, in respect of Hoardings. This Court, by order dated 29.08.2016, directed constitution of single window clearing system for issuing license for erection of Hoardings. This Court also formulated the procedure and time limit for the Committee within one month, while considering the applications for permission. As per the order of this Court dated 29.08.2016 made in W.P.No.19556 of 2015, number of applications were submitted for license. The said applications were kept pending. Some of the persons filed W.P.Nos.16756 to 16759 of 2017 for implementation of the order dated 29.08.2016 passed in W.P.No.19556 of 2015.

3(ii). While the said writ petitions were pending, an amendment to Section 326 was passed by the Act 40 of 2018. As per the amendment, Hoardings can be erected only in the property belonging to Corporation and no Hoardings can be erected in the private property. The said amendment was challenged by filing W.P.No.6913 of 2019 etc., batch. This Court, by order dated 11.03.2020 held that the amendment was unconstitutional and also held that Corporation should frame suitable laws or Rules already made to be modified as per the guidelines issued in



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G.O.(4D)No.2, Municipal Administration & Water Supply (MC.1)

Department, dated 05.06.2018 and the said process should be completed within one month. Without framing any Rules or modifying the existing Rules as per the said Government Order dated 05.06.2018, the Commissioner, GCC issued instructions dated 01.09.2021 to all the Zonal Officers of Corporation to remove the Hoardings by taking coercive measures. Number of writ petitions were filed challenging the order dated 01.09.2021 of the Commissioner of Corporation. The order of this Court dated 11.03.2020, made in W.P.No.6913 of 2019 etc., batch was challenged before the Hon'ble Apex Court by the Government with delay. Subsequently, the said S.L.P. was not prosecuted and order of this Court has become final.

4. The learned Senior Counsel appearing for the petitioners and learned counsel appearing for the petitioners submitted that the order dated 01.09.2021 issued by the Commissioner, Corporation is not valid, as the Commissioner has not considered and passed order on the applications submitted for permission. Without considering the applications and without issuing any notice, the Officials of the Corporation are making arrangements for removal of Hoardings. In such



circumstances, several writ petitions are filed for a writ of certiorarified mandamus challenging the order of the GCC and directing them to consider the applications of the petitioners for renewal under unamended Section 326-A of the Chennai City Municipal Corporation Act, 1919 and for a writ of mandamus forbearing the Commissioner, GCC from interfering with the peaceful possession and enjoyment of the Hoardings erected by the advertisers in any manner inclusive of dispossession, dismantling or causing any disturbance either by themselves, their workmen, agents and representatives.

5. The learned Additional Advocate General-II appearing for the Corporation referred to the counter affidavit filed in which the respondent has given the list of Hoardings which were erected by the petitioners without permission and submitted that such Hoardings cannot be monitored by Officials of Corporation with regard to stability and it affects the safety of the general public. The learned Additional Advocate General-II also submitted that the Government has framed new Rules with effect from 13.04.2023 and on payment of charges, all the applications of the petitioners for license or renewal will be considered as per the new Rules.



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6. Heard the learned Senior Counsel appearing for the petitioners and learned counsel appearing for the petitioners as well as Mr.J.Ravindran, learned Additional Advocate General-II appearing for the respondent Corporation assisted by Ms.Aswini Devi, learned Standing Counsel appearing for the respondent Corporation and Mr.Haja Nazirudeen, learned Additional Advocate General-I appearing for the Government and perused the materials on record.

7. Today, when the batch of Writ Petitions are taken up for hearing, the learned Senior Counsel appearing for the petitioners as well as the learned counsel appearing for the petitioners submitted that now new Rules have been framed and it came into force with effect from 13.04.2023. The petitioners are willing to apply for permission to erect hoardings as per new Rules. The petitioners are also willing to pay the charges as per the old rate (which they paid as per the revised rent) from the date of erection of hoardings till the date of notification of the new Rules i.e., 13.04.2023 and also submitted that the petitioners have filed affidavits of undertaking to that effect.



8. Mr.C.Seethapathy, learned counsel appearing for the petitioner in W.P.No.22626 of 2022 in addition to the above submissions further submitted that license of the petitioner in W.P.No.22626 of 2022 has expired on 31.03.2020 and the petitioner will pay the charges at the old rate from 01.04.2020 till the date of notification of the new Rules i.e., 13.04.2023 and apply for permission/renewal as per new Rules.

9. Mr.J.Ravindran, learned Additional Advocate General-II appearing for the respondent Corporation 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.

10. Considering the above submissions, we hold that the petitioners have no rights for erecting Hoardings without license and without renewing the license granted earlier. The Corporation has power to remove the unauthorised Hoardings for the safety of general public.

11. Considering the above submissions made today by the learned Senior Counsel appearing for the petitioners as well as the learned



W.P.No.25220 of 2018 etc. batch

counsel appearing for the petitioners and Mr.J.Ravindran, learned Additional Advocate General-II appearing for the respondent Corporation along with the affidavits of undertaking filed by the petitioners, we pass the following order:

(A) The petitioners in W.P.Nos.25220 & 25221 of 2018, 25856 of 2019 and the petitioners who have filed applications for license are directed to pay the rent as per the old rate of Rs.700/- (Rupees Seven Hundred only) per sq.ft. to the Greater Chennai Corporation from the date of their erection of hoardings till 13.04.2023 the date on which new Rules came into force.

(B) The petitioner in W.P.No.22622 of 2022 is directed to pay the rent at the rate of Rs.700/- (Rupees Seven Hundred only) per sq.ft. from 01.04.2020 to 13.04.2023.

(C) We make it clear that the petitioners who have not filed applications for license are directed to pay the rent as per the revised rate of Rs.3,000/- (Rupees Three Thousand only) per sq.ft. to the Greater Chennai Corporation from the date of erection of hoardings till 13.04.2023.



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On payment of rents as directed above and filing their applications as per the new Rules within eight (8) weeks from the date of receipt of copy of this order, the respondents are directed to consider the applications of the petitioners, after giving opportunity of hearing and pass orders on the applications as per the new Rules, within a period of eight weeks from the date of receipt of applications. Till such time, the respondents are directed not to take any coercive steps against the petitioners. The petitioners are liable to pay charges as per new Rules. It is made clear that if petitioners fail to pay the charges as directed above and fail to submit applications for permission/renewal, it is open to the Corporation to remove the hoardings treating the same as unauthorised hoardings.

12. With the above directions, all the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(V.M.V., J) (V.L.N., J)  
28.04.2023

Index : No

Neutral Citation : Yes/No

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**NOTE:** Issue order copy by 19.05.2023.



W.P.No.25220 of 2018 etc. batch

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To

1.Greater Chennai Corporation  
Rep. by its Commissioner  
Rippon Buildings  
Chennai 600 003.

2.The State of Tamil Nadu,  
Rep. by its Secretary to Govt.,  
Municipal Administration Department,  
Fort St. George, Secretariat,  
Chennai – 600 009.

3.The Zonal Officer,  
Zonal Office, Aminjikarai,  
Chennai Corporation, Zone 8,  
Chennai.

4.The Zonal Officer,  
Zonal Office, Koyambedu,  
Chennai Corporation, Zone 10,  
Chennai.

5.The Zonal Officer,  
Zonal Office, Maduravoyal,  
Chennai Corporation, Zone 11,  
Chennai.

6.The District Collector,  
Chennai District,  
Singaravellan Maligai,  
Chennai.

7.The Commissioner,  
Tambaram City Municipal Corporation,  
Tambaram, Chenglepet District



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

9.The District Collector,  
Tiruvalur,  
Master Plan Complex,  
NH 205, Tiruvallur,  
Tamil Nadu – 602 001.

10.The District Collector, Kancheepuram,  
First Floor,  
Collectorate,  
Kancheepuram – 631 501.

11.The District Collector, Chengalpet,  
Thaiyar Kullam,  
Kanchipuram – 631 501.

12.The Executive Engineer,  
Corporation of Chennai,  
Zone – VIII, Chennai.

13.The Assistant Engineer,  
Corporation of Chennai,  
Zone – VIII, Chennai.

14.The Zonal Officer,  
Corporation of Chennai,  
Zone – VIII, Chennai.



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W.P.No.25220 of 2018 etc. batch

**V.M.VELUMANI,J.  
and  
V.LAKSHMINARAYANAN,J.**

Kj

W.P.Nos.25220 of 2018 etc., batch

28.04.2023