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W.P.No.16914 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**WP Nos. 16914, 16916, 16919 & 16920 of 2025
and WMP Nos.19193, 19200, 19205 & 19213 of 2025**

- | | |
|--------------------|---------------------------------|
| 1. SINGARAM | Petitioner in W.P.No.16914/2025 |
| 2. S.GOKULRAJ | Petitioner in W.P.No.16916/2025 |
| 3. A.DAMOTHIRAN | Petitioner in W.P.No.16919/2025 |
| 4. A.MOHAMED IFRAN | Petitioner in W.P.No.16920/2025 |

Vs

1. The Commissioner
Coimbatore Corporation, Coimbatore.

2.The Commissioner Of Police
Commissioner Of Police Office,
Coimbatore City, Huzur Road,
Uppilipalayam, Coimbatore

3.The Deputy Commissioner Of The
Police (traffic)
Commissioner Of Police Office,
Coimbatore City, Huzur Road,
Uppilipalayam, Coimbatore-641 018.

Respondents in all Writ Petitions

For Petitioner(s): Mr.D.Selvam for
M/s. N.Inbanathan

For Respondent(s): Mr.Umapathi, St.counsel for R1
Mr.S.Santhosh, GA (Crl.side)
for R2 and R3

Prayer: These Writ Petitions are filed under Article 226 of the Constitution of



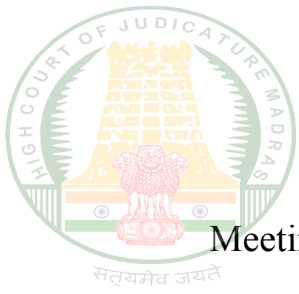
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India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the 4th respondent in Na.Ka.No.143/Public/Ka.Thu.AA/Pa.Ma/2025, dated 24.03.2025, quash the same and consequently forbear the 4th respondent and their officials, from in any any manner removing the advertisement boards of the petitioners and from interfering with the Pole Kiosk/Hoardings sites erected at the subject places, without following due process of law.

COMMON ORDER

These Writ Petitions have been filed, challenging the order, dated 24.03.2025 passed by the 3rd respondent herein and also praying to forbear the 3rd respondent and their officials, from in any any manner removing the advertisement boards of the petitioners and from interfering with the Pole Kiosk/Hoardings sites erected at the subject places, without following due process of law.

2. The petitioners herein are doing advertisements through erection of advertisement boards/placards/hoardings at different places within the limits of Coimbatore City Municipal Corporation. According to the petitioners, the 2nd respondent herein, vide proceedings, 21.09.2023, 05.9.2023, 14.08.2023, 13.09.2023 and 26.02.2023 respectively, had granted hoarding license to the petitioners for erection of Pole Kiosk/hoardings at various places as mentioned in the license proceedings, for a period of three years, after due verification by Single Window Committee and based on its



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Meeting, subject to payment of license fee. The petitioners have paid their respective license fees and erected Pole Kiosk/hoardings as per the terms regarding place, size and measurements as approved and mentioned in the license proceedings. While so, the grievance of the petitioners is that during subsistence of license period, all of a sudden, the 3rd respondent issued proceedings impugned in the respective Writ Petitions, directing the petitioners to remove all Pole Kiosk/hoardings erected by the petitioners. Hence the Writ Petitions.

3. Mr.D.Selvam, learned counsel representing M/s.N.Inbanathan, learned counsel for the petitioners, would submit that the impugned proceedings were issued by the 3rd respondent in violative of principles of natural justice and without jurisdiction. He pointed out that as per Rule 338 of the Tamil Nadu Urban Local Bodies Rules, 2023, the competent person is the 1st respondent who may, by notice in writing, after expiry of the license period or if the hoardings were erected contrary to the conditions of the license, direct the removal of the hoardings, however, in the present case, the 3rd respondent has straight away issued the impugned proceedings, which cannot be sustained.



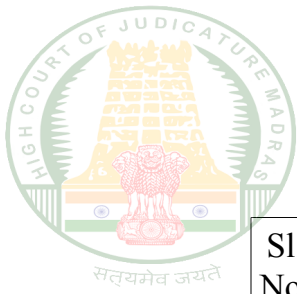
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4. On the other hand, the learned Government Advocate (Crl.side)

appearing for the respondents 2 and 3, while reiterating the averments made in the counter affidavits filed on behalf of the 3rd respondent, would submit that the petitioners have erected the Pole Kiosk/hoardings in complete violation of the licence or without license and as the 3rd respondent, having obligation to regulate the traffic, issued the impugned proceedings instructing the petitioners to remove the illegal erections which are hazardous to through fare, which cannot be faulted with.

4. He would further submit that the petitioners have erected several Pole Kiosk/hoardings without any license, affecting the regular traffic and also the safety ad security of the public. Therefore, the 3rd respondent has rightly issued the impugned proceedings, directing the petitioners to remove the illegal Pole kiosk/hoardings which were erected without licence and some of them were not removed despite expiry of the license period. In this regard, he would refer para 6 of the counter affidavit, wherein, the details of the Poles erected without license have been mentioned, which is extracted as under:

“6. It is submitted that the essential facts are extracted below in tabular form for easy reference:-



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Sl. No.	Name of the Writ Petitioner	W.P.No.	Places	Number of Places		Total
				Number of Poles permitted as per license	Number of Poles erected without license	
1.	Daamothiran	W.P.No. 16919 of 2025	R.S.Puram, Thiru Venkatasamy Street South	75	35	110
			R.S.Puram, Thiru Venkatasamy road East and West	50	35	85
			Brooke Bond Road	35	25	60
2.	Gokulraj	W.P.No. 16916 of 2025	Cross Cut Road left side	50	30	80
3.	Mohammed Irfan	W.P.No. 16920 of 2025	Cross Cut Road right side	50	30	80
			Airport Road	40	0	40
4.	Singaram	W.P.No. 16914 of 2025	Fun Mall Road	20	12	32
Total				320	167	487

Therefore, the learned Government Advocate sought for dismissal of the Writ Petitions.

5. Heard the learned counsel for the petitioners and the learned



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Government Advocate (Crl.side) for the respondents 2 and 3 and perused

the entire materials placed on record.

6. By order, dated 09.05.2025, this Court directed the parties to maintain status, which has been extended from time to time till now. It is not in dispute that the District Administration of Coimbatore had granted the license to the petitioners herein to advertise at the traffic signals by erecting Pole Kiosk/hoardings for a period of three years subject to payment of license fees. According to the learned counsel for the petitioners, the petitioners, having paid the license fees, erected the Pole Kiosks/hoardings at various traffic signals in compliance to the terms and conditions prescribed in the license proceedings. It is brought to the notice of this Court that license proceedings were issued in the year 2023 and already, two years have elapsed and the remaining period ranging one year to fourteen months alone has to go. Further, it is not the case of the respondents that due to the erection of the Pole Kiosks/hoardings, any untoward incidents had occurred.

7. While dealing with a public interest litigation in W.P.No.41289



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of 2016 filed by Coimbatore Consumer Cause, rep. by its Secretary, seeking for removal of all the advertisements at the traffic signals and other devices erected traffic control, traffic guidance, etc. in violation of the Guidelines of the Policy on road side advertisement formulated by Indian Road Congress under the Ministry of Road Transport and Highways, Government of India, a Division Bench of this Court, vide order, dated 30.10.2017, has observed as under:

5.It appears that in the District of Coimbatore, permissions have been given to the private respondents to advertise on the traffic signals and in the State Highways. This, in our considered view, is contrary to the guidelines and the policy adopted by the 16th respondent. What is applicable to the National Highways necessarily has to be applied to the State Highways as well. Therefore, there cannot be any difference in terms of application of the policy with respect to the roads maintained by the National Highways and State Highways. Accidents do occur when permissions are granted for advertisements. This is the stand taken by the National Highways. Roads are divided as National and State Highways only for the convenience from the point of administration. After all, the user being the public is the same.

6.However, the permissions having been granted in favour of the private respondents by the administration of the Coimbatore District and two years having elapsed with 11 more months to go, we do not propose to interfere with it, as it would certainly affect their interest. After all, these respondents have put up their respective advertisements in accordance with law as it was prevailing at the relevant point of time.

7.A perusal of the guidelines would show that they are to be applied uniformly for all roads viz., National and State



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Highways. Therefore, the official respondents are bound to follow and give effect to the guidelines as being implemented by the 16th respondent. In such view of the matter, while there is no difficulty in permitting the private respondents to go on with the advertisements till the expiry of the licence issued to them, the official respondents concerned are hereby directed not to either renew the licence or give fresh one being contrary to the guidelines and the policy being adopted by the 16th respondent.

8.The 16th respondent is hereby directed to complete the task undertaken as submitted in its counter affidavit. Needful will have to be done within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that our direction is with specific reference to the advertisement qua right of way.”

8. In the light of the above decision and taking note of the fact that out of total three year period of license, already two years have elapsed and the remaining period ranging one year or fourteen months alone has to go, we are not inclined to interfere with it, as the same would certainly affect their interest and disrupt their business since the petitioners having obtained the permission and on payment of the license fees only, erected the Pole Kiosks/hoardings and carrying on their business all along.

9. Accordingly, the impugned proceedings issued by the 3rd



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respondent are set aside and the respondents are directed not to interfere with the Pole Kiosks/hoardings erected by the petitioners in pursuant to their respective license proceedings till the expiry of the license period issued to the petitioners. It is made clear that this order will restrict only with regard to the permitted Pole Kiosks/hoardings in respect of which, license has been granted and such license is still subsisting. As regards illegal Pole Kiosks/hoardings if any erected without obtaining the license, it is needless to state that it is for the authority concerned to proceed in accordance with law.

5. With the above observation and direction, these Writ Petitions are disposed of. No costs.

(J.N.B.J.,) (M.J.R,J.,)
09.07.2025

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J.NISHA BANU, J.

and

M.JOTHIRAMAN, J.

suk

To

1. The Commissioner
Coimbatore Corporation, Coimbatore.

2.The Commissioner Of Police
Commissioner Of Police Office,
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3.The Deputy Commissioner Of The
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