



W.P.No.17646 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 03.02.2025**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P.No.17646 of 2024**

**and**

**W.M.P.Nos.19420 & 19421 of 2024**

M/s.Falcon Media Group  
Rep.by its Proprietor,  
No.43, Padmanadbha Nagar Main Road,  
Elango Adigal Street,  
Choolaimedu,  
Chennai – 600 094.

... Petitioner

Vs.

- 1.The Commissioner,  
Greater Chennai Corporation,  
Ripon Buildings,  
Chennai – 600 003.
- 2.The Additional Commissioner,  
Greater Chennai Corporation,  
Ripon Buildings,  
Chennai – 600 003.
- 3.The Revenue Officer (Hoardings)  
Greater Chennai Corporation,  
Ripon Buildings,  
Chennai – 600 003.



4. The Assistant Commissioner of Police,  
(Traffic Department)  
Greater Chennai Police,  
No.132, Commissioner Office Building,  
EVK Sampath Road,  
Vepery, Chennai – 600 007.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for proceedings dated 06.06.2024 bearing reference number R.D.C.No.G4/3591/2023 issued by the 2<sup>nd</sup> respondent and quash the same and direct the respondents issue license under Form 2 under Chapter-X of the Urban Local bodies Rules 2023

For Petitioner : Mr.A.K.Sri Ram  
Senior Counsel  
For M/s.A.S.Kailasam and Associates

For Respondents  
(R1 to R3) : Mrs.K.Aswini Devi  
Standing Counsel  
For Greater Chennai Corporation

(For R4) : Mr.E.Raj Thilak  
Additional Public Prosecutor

## **ORDER**

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The *lis* on hand has been instituted to assail the proceedings issued by the Additional Commissioner, Greater Chennai Corporation dated 06.06.2024, rejecting the application for license submitted by the writ petitioner.



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2. The petitioner is in the business of Outdoor Advertisement and have been running the business for more than a decade. An application seeking license was filed before the competent authority of Greater Chennai Corporation and the Additional Commissioner/2<sup>nd</sup> respondent rejected the same, citing several grounds as stated in the order impugned dated 06.06.2024.

3. Mr.A.K.Sri Ram, learned Senior Counsel appearing for the writ petitioner would mainly contend that during the earlier round of litigation, the issues relating to payment of charges were considered and finally in a batch of writ petitions in W.P.No.25220 of 2018 & etc., the Hon'ble Division Bench of this Court passed an order on 28.04.2023, as follows:

“11.....

(A).....

(B).....

(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.On payment of rents as*



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*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.”*

4. The Hon'ble Division Bench of this Court, while disposing of the batch of writ petitions, granted liberty to the eligible persons to submit application seeking license. An opportunity of hearing was also directed to be given and the same was not granted to the petitioner. Thus, the impugned order is to be set aside.

5. The learned Senior counsel appearing on behalf of the petitioner would urge that the new Rule 326 of Tamil Nadu Urban Local Bodies Rules,



2023, provides “Conditions for Hoardings” and it provides 43 conditions.

The reasons stated in the impugned order are beyond the said terms and conditions stipulated under the said Rule 326 and on that ground also, the order impugned is to be assailed.

6. The learned counsel for the respondent/Corporation would oppose by stating that an appeal is contemplated under the new Rule 331 and therefore, the writ petitioner has to exhaust the remedy as contemplated under the Rules.

7. This Court is of the considered opinion that all the conditions stipulated under Rule 326 of the Tamil Nadu Urban and Local Bodies Rules, are to be considered with reference to the Right to Life enunciated under Article 21 of the Constitution of India. The Hoardings are installed in the public premises or roads. Therefore, safety and security of the citizens residing in that locality and the road users are of paramount importance. The lives of those persons, who all are using the roads and private area nearby the Hoardings, are also to be taken into consideration, while considering the application for grant of license. A pragmatic approach and likelihood of



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causing threat in the event of granting permission, safety and security of the road users and the residents, are all to be taken into consideration, so as to interpret the Rules in a holistic manner and ensure that the Rules achieve its objectives. Blunt reading of these Rules would not be of any avail to the persons, who are all seeking license for installation of Hoardings, Banners etc.,

8. This Court is not inclined to adjudicate the merits, which require field verification and other aspects. When an appeal is contemplated under the Rules, persons aggrieved are expected to exhaust the remedy and thereafter, approach the Court of law. Exhausting the Statutory remedy is the Rule. Dispensing with the Appellate remedy is an exception. High Court cannot adjudicate the disputed facts in order to conduct field inspection in respect of installation of Hoardings, Banners, etc. All such endeavours are to be made only by the competent authority and the Appellate Authority, in the event of any omission on the part of the original authority, if required, may conduct field inspection to ascertain the facts and circumstances, so as to consider the application submitted by the eligible persons under Rule 320 of the Tamil Nadu Urban Local Bodies Rules, 2023.



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9. Preserving all the grounds raised by the petitioner in the present writ petition, they are at liberty to approach the Appellate Authority under Section 331 of the Tamil Nadu Urban Local Bodies Rules and in the event of filing any such appeal, the same may be disposed of as expeditiously as possible.

10. The petitioners are at liberty to prefer an appeal within a period of ten (10) days from today and in the event of filing an appeal within ten (10) days, the same may be entertained without reference to delay, if any.

11. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [K.R.S., J.]  
03.02.2025

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Index : Yes  
Speaking order  
Neutral Citation:Yes

To



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