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W.P.No.23887 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	22.07.2025
Pronounced on	16.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.23887 of 2025

Raghavan

... Petitioner

-VS-

1. The Commissioner,
Municipal Corporation,
Thiruvannamalai City.

2. The Divisional Engineer,
Chief Engineer Office,
Highways Constructions and Maintenance,
Thiruvannamalai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to restore the advertisement hoardings placed by the petitioner throughout Thiruvannamalai City in pursuance of licence issued by the 1st respondent under Licence No.1 of 2025 dated 13.02.2025 and License No.02/2025 dated 17.03.2025 and further direct the 2nd respondent not to interfere with the licences hoarding.



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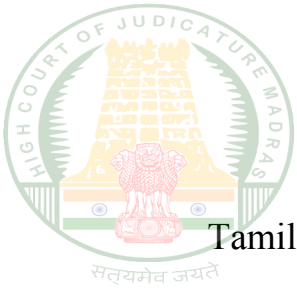
For Petitioner : Mr.V.Raghavachari
Senior Counsel
For Mrs.V.Srimathi
For R1 : Mr.P.Srinivas, Standing Counsel
For R2 : Mr.J.Ravindran,
Additional Advocate General
Assisted by Mr.M.Venkateswaran
Spl. Govt. Pleader

ORDER

*(Order of the Court was made by **J.NISHA BANU,J.**)*

This writ petition has been filed for a direction to the 2nd respondent to restore the advertisement hoardings placed by the petitioner throughout Thiruvannamalai City in pursuance of licence issued by the 1st respondent under License No.1 of 2025 dated 13.02.2025 and License No.2 of 2025 dated 17.03.2025 and further direct the 2nd respondent not to interfere with the licences hoarding.

2. It is the case of the petitioner that he has been running a Company in the name and style of 'Nava Sai Media' in Thiruvannamalai and in order to promote his business, he has proposed to erect hoardings after obtaining approval from the Municipal authorities, stipulated under the



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Tamil Nadu Urban Local Bodies Act, 1998 and the corresponding 2023

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Rules. The petitioner has also remitted necessary fees, aggregating Rs.11,89,400/- for erection of 140 boards. After receipt of the fees, he was given License Nos.1 & 2 on 13.02.2025 and 17.03.2025 respectively for placing hoardings at Venkikal-Anna Arch, Gandhi Nagar bye-pass and Thindivanam Salai.

3. It is further case of the petitioner that all of a sudden, the 2nd respondent had removed the hoardings in the month of April, 2025 without any notice and caused huge financial loss to the petitioner. The reason adduced by the 2nd respondent for removal of hoardings was that the boards were erected on the highways, which cannot be accepted for the reason that all the places, where hoardings were erected fall within the jurisdiction of 1st respondent and as such, the 2nd respondent cannot object to the erection of hoardings on the places earmarked by the 1st respondent.

4. It is also the case of the petitioner that the hoardings were placed on the permitted locations, namely Girivala Pathai in



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Thiruvannamalai and at the instance of the business rivalry, the 2nd respondent has removed the hoardings without knowing the correct distinction between the roads on the highways and the roads falling within the city limits connecting the highway. Under Regulation 325 of the Tamil Nadu Urban Local Bodies Rules, 2023, there is prohibition of placement of hoardings in sensitive areas and the places in which the petitioner placed boards are not sensitive areas. The act of the 2nd respondent is against Regulation 322 r/w 328 of the Rules, 2023, which contemplate that the power to grant licenses, etc for erecting hoards vests with the Municipal Corporation within its jurisdiction and the same cannot be usurped by the 2nd respondent. Hence, aggrieved by the action of the 2nd respondent, the petitioner is before this Court for a suitable direction.

5. The 2nd respondent has filed a counter affidavit, wherein it has been *inter alia* stated as follows:

i) Erection of centre median displays with neon lights is not permitted, as such displays distract the drivers of the vehicles and the decision not to grant permission to erect advertisements within the



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Highways boundary was taken by the Highways and Minor Ports (HV1)

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Department on the basis of the various orders of this Court and the Supreme Court. This Court specifically concurred in W.P.No.41289 of 2016 on 30.10.2017 that no obstruction or distraction should be made to the drivers of fast moving vehicles on the highways. A policy on roadside advertisement has been formulated by Indian Road Congress vide IRC:46-1972 and the Central Ministry vide Circular No.RW/NH-33044/35/2001/S&R(R) dated 16.05.2002 ensured that no advertisement hoardings are permitted on the National Highways, except informatory signs of public interest.

ii) On the basis of the order of this Court dated 30.10.2017, the Chief Engineer (H), Construction & Maintenance instructed all Superintending Engineers & Divisional Engineers (H), C & M Wing vide MEMO dated 14.12.2017, 13.02.2019 and 09.08.2024 to adhere to the orders of this Court scrupulously. The Revenue Administration, Disaster Management and Mitigation Department has also issued a letter dated 13.04.2018 for regulation of erection of hoardings by enforcing the respective Municipal Acts and Rules made thereunder.



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iii) It is stated in the counter that the Municipal Corporations

are governed by the Tamil Nadu District Municipalities Act, 1920 and the said Act was replaced by the Tamil Nadu Urban Local Bodies Act, 1998 and Rules, 2023 with effect from 13.04.2023. As per Rule 320, it is mandatory to obtain No Objection letter from the competent authority of the State Government under whose authority the land or buildings fall. The petitioner has not obtained any such permission to erect hoardings within the boundaries of Highways Road. The petitioner, on the presumption that all roads passing through Municipal limits are Municipal Roads and on the basis of the licenses granted by the Municipal Corporation, erected hoardings on the land belonging to the 2nd respondent. Though the petitioner issued a legal notice dated 16.04.2025, a reply was sent to him on 28.04.2025 itself, incorporating various rules and orders of Courts. The 2nd respondent has only evicted illegal hoardings from the boundaries of the Highways Roads as directed by this Court and the instructions issued by the Highways and Revenue Departments. The 2nd respondent has already informed the 1st respondent not to grant any permission to erect hoardings on Highways boundaries without getting No Objection from the Highways



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Authorities. The erection of hoardings on the Highways was made by the petitioner without approval of the Highways Department and therefore, the directions, namely, restoration of advertisement hoardings, reimbursement of the costs for re-erection, etc., cannot be issued, as the 2nd respondent has exercised its statutory duty in strict adherence to the orders of this Court and the subsequent circulars of the Highways Department and therefore, this Writ Petition is liable to be dismissed *in limine*.

6. Learned Senior Counsel for the petitioner submitted that no illegality can be attributed to the petitioner in erecting hoardings, as the petition has duly obtained Licenses from the Municipal Corporation. The hoardings are raised on lamp posts, which exclusively belong to the local body and therefore, there is no need to obtain any No Objection from the Highways authorities. In the absence of any stipulation in the Tamil Nadu Highways Act, 2001 to obtain No Objection, the insistence on the part of the 2nd respondent to that effect is illegal and motivated. He further submitted that the act of the 2nd respondent in removing hoardings without any notice or intimation is in violation of the principles of natural justice,



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ignoring the fact that boards were installed after obtaining licenses from the Municipal authorities. Any policy drawn by Indian Road Congress (IRC) has no statutory value or force in the light of the judgment of this Court in W.P.Nos.34652 of 2019 and 7280 of 2020 decided on 10.08.2021, holding as under:

“13. To the extent that the no~objection certificate required the IRC:12~2009 guidelines to be followed, it can be said that in view of the recent consistent stand taken by this court that the IRC guidelines do not have any statutory force and are not mandatory, the breach of the IRC guidelines may not be fatal. It must also be recognised that notwithstanding the injunction subsisting now, substantial construction had been carried out previously. Even if it is accepted that no equity can be claimed by the private oil company as a consequence of commencing the construction and even if the petitioner-s version is accepted that the construction has not been completed, it does not appear that at the time that the proposal for setting up the retail outlet was submitted or at the time that the no~objection certificate was issued on November 11, 2019, it was necessary for the strict conditions which are now in place to be followed or imposed in connection with the setting up of a new fuel outlet.”

7. Learned Senior Counsel for the petitioner referred to the judgments of this Court on the aspect of obtaining NOC from the 2nd respondent in i) *Durai Venkatachalam vs. Additional Chief Secretary, Revenue and Disaster Management Department and others*, reported in 2019 SCC Online MAD 8587 and ii) *M.G.Saravanan vs. Commissioner of*



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Police and others, reported in **2020 SCC Online MAD 28403** to

substantiate his argument that the conduct and attitude of the 2nd respondent can be construed as an unjust enrichment at the cost of gullible petitioner. When the places of hoardings actually belong to the Municipal Corporation, falling within its limit, the removal of boards by the 2nd respondent, citing irrelevant reasons is contrary to the provisions of various Acts, Rules and dictum laid down by this Court.

8. Per contra, learned Additional Advocate General appearing for the 2nd respondent contended that there is no need to issue any notice to the petitioner, whiling evicting immovable properties encroached on Highways Road, which include hoardings as per Sections 26 and 28(2)(i) of the Highway Act, 2001. The hoardings put up by the petitioner contained only contact numbers and therefore, it can be inferred that the petitioner has obtained licenses with an intention to sublet the place to some third parties. On the basis of existence of street lights being maintained by the Municipal Corporation on the lands belonging to Highways Department, it cannot be said that licenses issued by the Municipal Corporation are sufficient to erect



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hoardings on any place without obtaining prior permission from the authorities concerned. In that event, the orders passed by this Court as well as the Supreme Court will get diluted, endangering the life and safety of end users / public at large. Therefore, it is stated that no malafide can be attributed in the action of the 2nd respondent, as it is the paramount duty of the 2nd respondent to ensure removal of obstruction for the free flow of traffic and accident free zone and prayed for dismissal of the Writ Petition.

9. Heard the learned Senior Counsel for the petitioner, the learned Additional Advocate General appearing for R2, the learned Standing Counsel for R1 and perused the material documents as well as various judgments of this Court and Supreme Court.

10. The core submission of the petitioner is that he was granted licenses on 13.02.2025 and 17.03.2025 by the Municipal authorities as per Tamil Nadu Urban Local Bodies Act, 1998 and the corresponding 2023 Rules for erection of 140 boards on payment of requisite fees, aggregating Rs.11,89,400/-. He also placed boards at Venkikal-Anna Arch, Gandhi



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Nagar bye-pass and Thindivanam Salai in consonance with the approval of the authorities. However, the 2nd respondent removed the hoardings without any intimation to the petitioner and caused monetary loss to the petitioner, by citing reasons that the boards were erected on the highways. The petitioner duly erected hoardings on the places assigned within the jurisdiction of the 1st respondent and there is no justification on the part of the 2nd respondent in removing the hoardings of the petitioner high-handedly.

11. According to the learned Additional Advocate General appearing for the 2nd respondent, the 2nd respondent is empowered to remove boards placed in the form of panel, beam, etc., in terms of Sections 26 and 28(2)(i) of the Highway Act, 2001. There was a hindrance on account of the hoarding hoardings put up by the petitioner and it is the paramount duty of the Department in ensuring the Highways as accident free zones. The permission of the 1st respondent alone will not be sufficient to erect boards on the Highways and there is an utter violation of placement of hoardings by the petitioner.



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12. *Prima facie*, it could be visualized that the hoardings were

erected adjacent to and within the boundaries of Highways roads, on the wrong notion that the grant of licenses by the Municipal Corporation will authorize them to do so. The Municipal Corporation cannot decide about the location, which actually falls under the control of Highways Authority, as the petitioner, with the ticket purchased to travel one particular area, cannot be permitted to fly to a different area. Moreover, Rule 320 of the Tamil Nadu Urban Local Bodies Rules, 2023 specifically contemplates that in case lands belong to other authorities, a duty is cast upon the licence-holder to obtain a No Objection Certificate from such authority. However, the petitioner has not complied with such requirement.

13. A reading of the provisions of Sections 26 and 28(2)(i) of the Tamil Nadu Highways Act, 2001 unravels the fact that there is no hurdle for the Highways Department to remove encroachments found on the Highways. For the sake of convenience, Sections 26 and 28(2)(i) of the Tamil Nadu Highways Act, 2001 are reproduced hereunder:



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“26. Prevention of unauthorised occupation of highway.

(1) No person shall occupy or encroach on any highway within the highway boundaries.

(2) Notwithstanding anything contained in sub-section (1), the Highways Authority may, with the concurrence of the Collector and with due regard to the safety and convenience of traffic and subject to such conditions, and on payment of such rent or other charges as may be prescribed, grant permission, of a temporary nature, to any person;

(a) to make any temporary use of any highway in front of any building owned or occupied by him or make a temporary structure overhanging the highway; or

(b) to put up a temporary awning or tent, pandal or other similar erection or a temporary stall or scaffolding on any highway; or

(c) to deposit or cause to be deposited building materials, goods for sale or other articles on any highway for a specified period; or

(d) to make a temporary excavation on any highway for carrying out any repairs or improvements to building on lands adjoining such highway: Provided that no such permission shall be deemed to be valid beyond a period of one year, unless it is expressly renewed by the Highways Authority.

(3) The permission granted under sub-section (2) shall clearly specify the date upto which and the purpose for which the occupation of the highway is authorised and the exact portion of the highway so permitted to be occupied, and shall also be accompanied by a plan or sketch of that portion of the highway. A copy of such permission shall be communicated to the Collector for the purpose of record.



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(4) The person in whose favour such permission has been given shall produce the permit for inspection whenever called upon to do so by the Highways Authority, or any officer authorised by it in that behalf and shall, at the end of the period specified in the permit, vacate the portion of the highway occupied by him, after restoring it to the same state as it originally stood before the occupation by him.

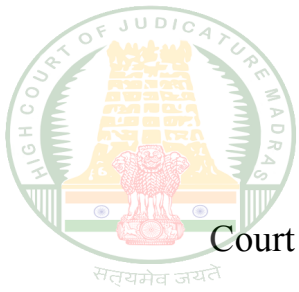
(5) The Highways Authority shall maintain a complete record of all such permissions granted, and shall also cause an inspection to be made in every case at the expiration of the period up to which such occupation has been permitted, to ensure that the portion of the highway has actually been vacated.

(6) The permission granted under sub-section (2) shall be in such form and subject to such conditions as may be prescribed.

28 (2) The Highways Authority or any person authorised by it in this behalf, may

(i) remove, without any notice, any movable temporary structure, enclosure, stall, booth, any article whatsoever hawked, exposed or displayed for sale or any other thing whatsoever by way of encroaching the highway or in any area where the construction or development of a highway is undertaken or proposed to be undertaken;

14. As regards the argument based on the absence of statutory force of IRC guidelines, it is relevant to point out that the prohibition against erection of hoardings on Highways does not rest solely upon such guidelines, but also on statutory provisions and binding precedents of this



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Court and the Supreme Court. The next plea of violation of natural justice lacks merits acceptance for the reason that the Statute itself authorizes summary eviction of encroachment on Highways, as the paramount consideration of safety of road users must prevail over commercial considerations of the petitioner.

15. We have come across several incidents occurred in Chennai on account of hoardings erected on the roads. More recently, in June 2025, a Security Guard was injured, when an unauthorized hoarding collapsed in Villivakkam during heavy winds and rain. It has become a fashion to erect illegal and unsafe hoardings on roads without prior permission from the concerned Departments by the political parties and for commercial purposes without realizing its menace to the public at large, despite Court's ban on such erection. Though hoarding erection in our State is tightly regulated under the Tamil Nadu Urban Local Bodies Act, 2022, due to lack of strict enforcement by the authorities concerned, there are incidents occurred here and there, leading to fatalities and public concern. Illegal hoardings are erected without safety considerations, creating hazards, like distracted driving and falling debris during heavy winds or cycles



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16. In the given case, in the considered opinion of this Court,

the petitioner erected hoardings on Highways land without obtaining mandatory approval from the Highways Department. The licenses issued by the Municipal Corporation cannot override the statutory control of the Highways Department. It is not established beyond doubt that the 2nd respondent acted beyond its statutory powers and therefore, no *mala fides* can be attributed to the 2nd respondent. Therefore, we do not find any merits in the argument advanced by the petitioner and the Writ Petition is liable to be dismissed.

17. In fine, the Writ Petition is dismissed. No costs.

(J.N.B.J.,) (M.J.R,J.,)
16.09.2025

Index: Yes / No
Internet: Yes / No
Speaking Order / Non Speaking Order
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To:

1. The Commissioner,
Municipal Corporation,
Thiruvannamalai City.
2. The Divisional Engineer,
Chief Engineer Office,
Highways Constructions and Maintenance,
Thiruvannamalai.



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J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.
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PRE-DELIVERY ORDER IN
W.P.No.23887 of 2025

16.09.2025