



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

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THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 38811 of 2024

M/s.Artec Advertising
Rep By Its Proprietor,
Mr.P.B.Abdul Rahman,
No.9, Diamond Shelters, TVK Road,
Royapetah High Road, Royapettah,
Chennai-600 014.

Petitioner(s)

Vs

1. The Commissioner
Greater Chennai Corporation,
Chennai-600 003.

2.The Deputy Commissioner
Greater Chennai Corporation,
Chennai-600 003.

3.The Additional Commissioner
Revenue And Finance,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.



Respondent(s)

PRAYER

directing the respondents to refund/adjust the excess paid sum of Rs.11,52,000/- in respect of the Hoardings at New No.122, Anna Salai, Guindy (near over bridge facing Anna salai), New No.122, Anna salai, Guindy (East Facing) No.9A/1, NSK Salai, Kodambakkam (West facing) No.9A/1, NSK salai, Kodambakkam (East facing) No.638, Annasalai Thousand Lights (East facing) and Rs.5,04,000/- for the non-erected hoardings.

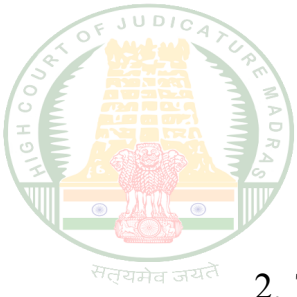
For Petitioner(s): Mr.R.Vijayakumar

For Respondent(s): Mr.J.Ravindran AAG Asst By
Ms.K.Aswini Devi SCI For
GCC

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ of mandamus has been instituted to direct the respondents to refund or adjust the excess amount paid of Rs.11,52,000/- for the hoardings located at; (a) New No.122, Anna Salai, Guindy (near overbridge facing Anna Salai); (b) New No.122, Anna Salai, Guindy (East Facing); (c) No.9A/1, NSK Salai, Kodambakkam (West facing); (d) No.9A/1, NSK Salai, Kodambakkam (East facing); (e) No.638, Anna Salai, Thousand Lights (East facing) and additionally the petitioner seeks refund of Rs.5,04,000/- for the non-erected hoardings.



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2. The petitioner had submitted an application seeking refund of excess amount paid by them in respect of hoardings under the heading “damage fees”.

3. Mr.R.Vijay Kumar, the learned counsel for the petitioner would submit that the petitioner installed hoardings after making payments and the corporation authorities cannot deny a refund, since the petitioner has deposited the said amount based on the orders of this Court.

4. However, the petitioner has not produced any license conditions or agreements enabling this Court to verify such factors. Disputed facts of this nature cannot be adjudicated in a writ proceeding. Mere deposit is insufficient, as the conditions for a refund must also be considered. The Corporation has to refund the amount, if any for which the petitioner is eligible in accordance with law.

5. Mere filing an application alone does not provide a cause for seeking a



refund. Adjudication of issues is required for forming an opinion regarding entitlement of the petitioner for refund of the amount. Therefore, the petitioner

is at liberty to approach the Competent Civil Court.

6. The learned Additional Advocate General appearing on behalf of the respondents would submit that the hoarding constitute unauthorised construction and therefore the authorities cannot adjudicate and they are bound to initiate action to remove the unauthorised hoardings under the law.

7. May that as it be, the petitioner is at liberty to adjudicate these disputes before the Competent Civil Court of Law. Accordingly, the Writ Petition stands dismissed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

11-03-2025

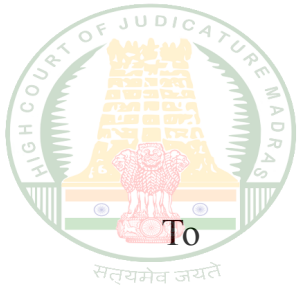
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 38811 of 2024



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Greater Chennai Corporation,
Chennai-600003

2. The Deputy Commissioner

Greater Chennai Corporation,
Chennai-600 003

3. The Additional Commissioner

Revenue And Finance, Greater
Chennai Corporation, Ripon Building,
Chennai-600 003



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

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