



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 40024 of 2024

M/s. Diamond Publicities
Rep. By Its Proprietor,
Mr.P.B.Abdul Rahman,
No.9, Diamond Shelters,
Tvkk Road, Royapettah 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.3,24,000/- in respect of the Hoarding at 253/192, Anna Salai, Thousand Lights, Chennai-600 006 (South Facing), Rs.1,68,000/- in respect of the hoarding at 253/192, Anna Salai, Thousand Lights, Chennai-600 006 (North Facing) and Rs.1,68,000/- in respect of the Hoarding at No.2/3 Bazaar Road, Saidapet, Chennai-600 015 and Rs.3,24,000/- in respect of the Hoarding at Spencer Plaza (East Facing) and Rs.7,56,000/- for the non-erected hoardings with interest within a time to be stipulated by this Court.

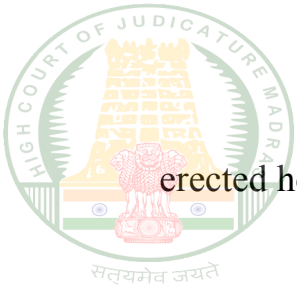
For Petitioner(s): Mr.R.Vijayakumar

For Respondent(s): Mr.J.Ravindran AAG Asst By
Ms.Aswini Devi SC 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 totalling of (a) Rs.3,24,000/- for the hoarding at 253/192, Anna Salai, Thousand Lights, Chennai – 600 006 (South Facing); (b) Rs.1,68,000/- for the hoarding at 253/192, Anna Salai, Thousand Lights, Chennai – 600 006 (North Facing); (c) Rs.1,68,000/- for the hoarding at No.2/3 Bazaar Road, Saidapet, Chennai – 600 015; (d) Rs.3,24,000/- for the hoarding at Spencer Plaza (East Facing) and (e) Rs.7,56,000/- for the non-



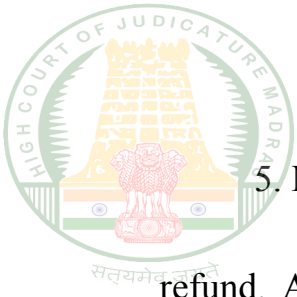
erected hoardings with interest.

WEB COPY

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.



WEB COPY

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

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 40024 of 2024



WEB COPY

To

- 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.



WEB COPY

WP No. 40024 of 2024



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

Jeni

WP No. 40024 of 2024

11-03-2025