

SB(C3) 3954/2016

any
5/10/16

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Seventh day of September Two Thousand and Sixteen

PRESENT

The Hon'ble Mr. Justice S.NAGAMUTHU
and
The Hon'ble Mr. Justice M.V.MURALIDARAN

WP(MD) No.17730 of 2016

TRAFFIC DR.K.R.RAMASWAMY

... PETITIONER

Vs

1 THE CHIEF SECRETARY
GOVT. OF TAMILNADU, FORT.ST.GEORGE,
CHENNAI 9
(Deleted as per order dated 19.09.2016 made in
WP(MD)No.17730/2016)

2 THE SECRETARY TO GOVT.,
MUNICIPAL ADMINISTRATION & WATER SUPPLY DEPT.,
FORT.ST.GEORGE, CHENNAI 9

3 THE SECRETARY TO GOVT.,
HOME DEPARTMENT, FORT.ST.GEORGE,
CHENNAI 9

4 THE DISTRICT COLLECTOR
MADURAI DISTRICT, MADURAI 20

5 THE COMMISSIONER OF CORPORATION,
MADURAI CITY, MADURAI 626 007

6 THE COMMISSIONER OF POLICE
MADURAI CITY, MADURAI 626 007

7 THE INSPECTOR OF POLICE (L&O),
THIDBER NAGAR POLICE STATION,
MADURAI.

... RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying that in the circumstances stated therein to issue a Writ of Mandamus directing the respondent Nos.1 to 3 mainly to consider and pass appropriate orders on the representation dated 14.09.2016 as it is urgent due to deliberate negligence of duty by POLICE OFFICERS continues without any stern Action on offenders sent by the petitioner for taking appropriate prosecution action against unauthorized banner erectors and also take action



Cr
urgent

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against 6th respondent for offence committed under section 166A, 110 and 217 of IPC.

ORDER: This writ petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support and material papers and upon hearing the arguments of M/S. TRAFFIC DR. K. R. RAMASWAMY, Pary-in-Person and of M. GOVINDAN, Special Government Pleader, on behalf of the Respondents 1 to 4, 6 and 7 and of M/S. R. MURALI, Advocate for 5th Respondent, the court made the following order:-

(Order of the Court was made by S. NAGAMUTHU, J.)

When this Public Interest Litigation was taken up today for hearing, the District Collector, Madurai, the Revenue Divisional Officer, Madurai, the Commissioner of Police, Madurai City and the Commissioner, Madurai Corporation, have filed independent counter affidavit/status reports.

2. The District Collector, in his report, has stated that by his proceedings in Roc.No.C2/14163/2015 dated 19.08.2016, he has formed a team to remove the unauthorised hoardings and banners in the entire district, based on G.O.No.19 Municipal Administration and Water Supply (MC1) Department, dated 02.02.2015. He has also mentioned the designations of all the officers, who are responsible for the compliance. He has further stated that there was a meeting held on 19.09.2016 attended to by the revenue as well as police officials, in which, it was instructed to the officials concerned to remove the unauthorised banners and to register a case against the offenders. He has further stated in paragraph 9 of the report that as many as 456 hoardings and 565 unauthorised banners have been removed so far. He has further stated that as of now, there are no banners or hoardings in the City unauthorisedly put up. The Commissioner of Police, Madurai City, the Revenue Divisional Officer, Madurai and the Commissioner, Madurai Corporation, Madurai have also concurred with the statement of the District Collector.

3. When we requested the learned Special Government Pleader, as to what is the status of hoardings, flexboards, which have been unauthorisedly put up in the other Municipal Limits and the Corporation Limits, falling within the jurisdiction of this Court, the learned Special Government Pleader submitted that he has got no instructions as of now, because they are not parties.

4. In our considered view, since there is already an order by a Division Bench of the Principal bench imposing complete ban of these hoardings and flex boards, it is for the District Collectors of the Districts concerned to enforce the same and to ensure that there is no such unauthorised hoardings or flex boards etc., put up in their respective Districts. Since this is a public interest litigation, which has been filed with good intention in public interest and since there are reports that such kind of unauthorised advertisement boards, flex boards and hoardings have been put up in other places

also, we deem it appropriate to direct the District Collector concerned falling within the jurisdiction of this Court and the Superintendent of Police/Commissioner of Police, to remove the flex boards, hoardings, etc., which have been unauthorisedly put up, within their jurisdiction in the Municipal Towns and Corporations. The said exercise shall be completed on or before 07.10.2016.

5. The District Collector, Madurai, the Commissioner, Madurai Corporation, Madurai and the Commissioner of Police, Madurai City shall file additional status report, after verifying as to whether any such unauthorised flexboards/hoarding/banners have been left out and if anything inadvertently left out, the same shall be removed and reported.

6. The Registry is directed to list the matter on 07.10.2016.

Sd/-

Assistant Registrar(CS-I)

/ TRUE COPY /

07.10.16
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.
5/10

TO

- 1 THE SECRETARY TO GOVT.,
MUNICIPAL ADMINISTRATION & WATER SUPPLY DEPT.
FORT.ST.GEORGE, CHENNAI 9
- 2 THE SECRETARY TO GOVT.,
HOME DEPARTMENT, FORT.ST.GEORGE, CHENNAI 9
- 3 THE DISTRICT COLLECTOR
MADURAI DISTRICT, MADURAI 20
- 4 THE COMMISSIONER OF CORPORATION,
MADURAI CITY, MADURAI 626 007
- 5 THE COMMISSIONER OF POLICE
MADURAI CITY, MADURAI 626 007
- 6 THE INSPECTOR OF POLICE (L&O)
THIDEER NAGAR POLICE STATION, MADURAI

COPY TO:

- 1 THE DISTRICT COLLECTOR
RAMANATHAPURAM.
- 2 THE DISTRICT COLLECTOR
SIVAGANGAI

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- 3 THE DISTRICT COLLECTOR
TUTICORIN.
- 4 THE DISTRICT COLLECTOR
TIRUNELVELI.
- 5 THE DISTRICT COLLECTOR
KANYAKUMARI AT NAGEROCIL.
- 6 THE DISTRICT COLLECTOR
VIRUDHUNAGAR.
- 7 THE DISTRICT COLLECTOR
DINDIGUL.
- 8 THE DISTRICT COLLECTOR
TIRUCHIRAPPALLI.
- 9 THE DISTRICT COLLECTOR
KARUR.
- 10 THE DISTRICT COLLECTOR
THENI
- 11 THE DISTRICT COLLECTOR,
THANJAVUR.
- 12 THE DISTRICT COLLECTOR
PUDUKOTTAI.
- 13 THE COMMISSIONER OF POLICE,
TUTICORIN.
- 14 THE COMMISSIONER OF POLICE,
TIRUNELVELI.
- 15 THE COMMISSIONER OF POLICE,
DINDIGUL.
- 16 THE COMMISSIONER OF POLICE,
TRICHY.
- 17 THE COMMISSIONER OF POLICE,
THANJAVUR.
- 18 THE COMMISSIONER OF CORPORATION,
TUTICORIN.
- 19 THE COMMISSIONER OF CORPORATION,
TIRUNELVELI.

- 20 THE COMMISSIONER OF CORPORATION,
DINDIGUL.
- 21 THE COMMISSIONER OF CORPORATION,
TRICHY.
- 22 THE COMMISSIONER OF CORPORATION,
THANJAVUR.
- 23 THE SUPERINTENDENT OF POLICE,
RAMANATHAPURAM.
- 24 THE SUPERINTENDENT OF POLICE,
SIVAGANGAI.
- 25 THE SUPERINTENDENT OF POLICE,
TUTICORIN.
- 26 THE SUPERINTENDENT OF POLICE,
TIRUNELVLEI.
- 27 THE SUPERINTENDENT OF POLICE,
KANYAKUMARI & NAGERCOIL.
- 28 THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR
- 29 THE SUPERINTENDENT OF POLICE,
DINDIGUL.
- 30 THE SUPERINTENDENT OF POLICE,
TRICHY.
- 31 THE SUPERINTENDENT OF POLICE,
KARUR.
- 32 THE SUPERINTENDENT OF POLICE,
MADURAI.
- 33 THE SUPERINTENDENT OF POLICE,
THENI
- 34 THE SUPERINTENDENT OF POLICE,
THANJAVUR.
- 35 THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI.
- 36 THE MUNICIPAL COMMISSIONER,
RAMANATHAPURAM.
- 37 THE MUNICIPAL COMMISSIONER,

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SIVAGANGAI

38 THE MUNICIPAL COMMISSIONER,
PUDUKKOTTAI

39 THE MUNICIPAL COMMISSIONER,
THENI

40 THE MUNICIPAL COMMISSIONER,
VIRUDHUNAGAR

41 THE MUNICIPAL COMMISSIONER,
TUTICORIN.

42 THE MUNICIPAL COMMISSIONER,
NAGERCOIL.

43 THE SECTION OFFICER,
" F" SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(FOR COMPLIANCE OF THE DIRECTION ISSUED IN THIS ORDER)

ORDER DATED : 27/09/2016
HEARING DATE: 07/10/2016
ORDER

WP(MD) No.17730 of 2016
Giving direction as stated
within.

AM/CK/SAR-II/05.10.2016/6P/44C

