



to 3)-PIL-155-11 & group matters.

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.155 OF 2011

WITH

CIVIL APPLICATION NO.36 OF 2019

WITH

CIVIL APPLICATION STAMP NO.826 OF 2018

WITH

CIVIL APPLICATION STAMP NO.1094 OF 2018

WITH

CIVIL APPLICATION STAMP NO.28641 OF 2018

Suswarajya Foundation, Satara & Anr. ...Petitioners
Versus
The Collector, Satara & Anr. ...Respondents

WITH

CONTEMPT PETITION NO.11 OF 2016

WITH

INTERIM APPLICATION NO.18076 OF 2022

High Court on its own Motion ..Petitioner
Versus
Mr. Ashish Shelar & Ors. ..Respondents

WITH

CONTEMPT PETITION NO.210 OF 2018

Qaneez-E-Fatemah Sukhrani ..Petitioner
Versus
Saurabh Rao,
Municipal Commissioner & Ors. ..Respondents

WITH

WRIT PETITION NO.13726 OF 2018

Mr. Imtiyaz Mahiboob Bagwan ..Petitioner
Versus
The Chief Executive officer,
Karad Nagarparishad & Ors. ..Respondents

BGP.

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Dr. Uday P. Warunjikar a/w Adv. Siddhesh A. Pilankar & Adv. Sonali R. Chavan & Adv. Jenish D. Jain & Adv. Dattaram R. Bile Adv for Petitioner in PIL/155/2011.
Adv. Pradeep S. Gole for Petitioner in WP/13726/2018.

Adv. Shraddha Pawar i/b Adv. Dilip Bodake for Resp. No. - 1 in WP/13726/2018.

Adv. Ravindra S. Pachundkar for Petitioner in CP/210/2018.

Adv. T.J. Pandian a/w Adv. Gautan & Noorjahan for Resp. No. - 5 in CP/210/2018.

Adv. R.S. Khadapkar for Resp. No. - 9 in CP/210/2018.

Adv. Rohit Sakhadeo for Resp. No. - 3. (NMC).

Adv. Pramod G Kathane with Adv. Sanjeev Sandhu for Resp. No. - 7(Amaravati Municipal Corporation).

Adv. Gaurav Ugale i/b Adv. Shriram Kulkarni for Resp. No.10 (Ahemadnagar Muncipal Corparation).

Adv. Pooja Malik i.b Adv. N.R. Bubna for Resp. No. - 9 &17.

Adv. Rutuja Khatmode i/b Adv. Umesh Mankapure for Resp. No. 15.

Adv. Shahed Ali Ansari for Resp. No. -20 (Municipal Corporation Nanded).

Adv. Pooja Joshi Deshpande for Resp. No. -21 (Ulhasnagar Municipal Corporation).

Adv. Abhijit Adgule for Resp. No. - 18 (Kolhapur Municipal Corporation).

Adv. Kavisha Khanna i/b Adv. Ajinkya Gaikwad for Resp. No. - 26.

Mr. Vishwanath Patil a/w Ms. Nidhi Chavhan Adv. For Respondent SMC.

Mr. Manoj M. Kondekar a/w Ms. Deepika N. Mule. Intervenor in IA/18076/2022.

Adv. Swati Sagvekar for Vasai Virar City Municipal Corporation.

Mr. A.Y. Sakhare, Senior Advocate a/w Mr. R.Y. Sirsikar Adv. For the Resp. BMC.

Shriram Mahadev Manjrekar Asstt. Supdt. of Licence.

Mr. R.V. Dighe i/b A.S.Rao for KDMC.

Mr. Anup Kamble a/w Adv. Aditya Raktade i/b Adv. Hanmant Patil for Latur Municipal Corporation.

Mr. P.P.Kakade GP a/w O.A.Chandurkar Addl.GP, Mr. M.M.Pabale AGP, Mrs.

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G.R.Raghuwanshi AGP for State of Maharashtra.

Mr. Aniruddha Arun Garge for Lonavala Municipal Corporation.

Mr. Abhishek Roy i/b Mr. Abhijit P Kulkarni Adv. For PMC.

**WITH
CONTEMPT PETITION NO.82 OF 2010
(ORDINARY ORIGINAL CIVIL JURISDICTION)
IN
PUBLIC INTEREST LITIGATION NO.37 OF 2010
WITH
NOTICE OF MOTION NO.269 OF 2018**

Society For Fast Justice & Ors. ..Petitioners
Versus
Brihanmumbai Municipal Corporation & Ors. ..Respondents

Mr. Bhagwanji Rayani, Petitioner-in-person present.

Shri. Milind V More, Addl.GP for The State respondent No.3 to 5.

Mr. Mohit P Jadhav Adv for Respondent 24.

**WITH
PUBLIC INTEREST LITIGATION (L) NO.26763 OF 2023
(ORDINARY ORIGINAL CIVIL JURISDICTION)**

Aniruddh Naraya Malpani ..Petitioner
Versus
The Municipal Corporation of Greater Mumbai ..Respondent

Adv. Mohini Priya (Via VC) a/w Adv. Vedanshi Shah i/b Mahalakshmi Ganapathy Adv. For Petitioner.

Mr. Milind V More Addl.GP for The State of Maharashtra Respondent No.2.

Ms. Oorja Dhond i/b Komal Punjabi Adv. for Respondent BMC.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATE : 9th OCTOBER, 2024

P. C.

1. This batch of matters consists of certain Contempt Petitions, which have been filed alleging non-compliance of judgment and order dated 31st January,

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2017, whereby a bunch of Petitions, including Public Interest Litigation No.155 of 2011, was finally disposed of with various directions to the authorities, namely, Municipal Corporations, Municipal Councils etc. Several directions were issued to the State Government, Director General of Police, District Superintendent of Police and other State-officers. The directions, primarily, are in connection with checking erection of illegal hoardings and banners on the public streets and paths.

2. The *modus operandi* of those, who are involved in putting up illegal hoardings is such that adjudication of the Contempt Petitions may not be effective; what is rather needed to check such menace is continuous monitoring by the Court, which would be possible in writ jurisdiction of this Court and not in contempt jurisdiction.

3. Accordingly, the proceedings of Public Interest Litigation No.155 of 2011 are revived.

4. It has been stated by the learned counsel appearing for the Petitioners in Public Interest Litigation No.155 of 2011 that despite strict directions issued by the Court in the aforementioned judgment, almost all the Municipal Corporations, Municipal Councils and other responsible authorities have utterly failed to check the illegal hoardings and banners on the public streets, which not only causes impediment in smooth transportation but also sometimes becomes the cause of serious and fatal accidents, leading to loss of human life.

5. Dr. Uday Warunjikar has drawn our attention to the impending assembly elections which are likely to be held in near future and has stated that on account of increased political activities in the society, chances of putting up of more and more number of hoardings have increased, which require immediate action on the part of the Municipal Corporations, the Municipal Councils and

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other authorities to take appropriate measures, so that the situation is not allowed to go out of hand.

6. It is common knowledge that the political parties/socio-religious organizations contribute the most to erection of illegal hoardings and banners on the public streets. Before this Court, various political parties have submitted their undertakings stating that they shall not encourage display of illegal hoardings/banners and posters etc. In the undertakings, it was also stated by the political parties that the Circulars have been issued by the political parties instructing its members/followers not to indulge in any such illegalities. We, thus, direct that the undertakings given by the political parties before this Court shall strictly be followed and any violation thereof may be viewed seriously.

7. Having regard to the aforesaid situation, we find it appropriate to issue directions to all the Municipal Corporations and Municipal Councils and others to strictly adhere to the rules relating to erection of hoardings, as permissible under law. We also find it appropriate to observe that considering the situation caused by illegal hoardings and banners on the public streets and paths, a special drive needs to be undertaken by the Municipal Corporations and Municipal Councils, as also by all concerned, including the police authorities and officers. We, thus, issue the following directions: -

- (a) All the Municipal Corporations, Municipal Councils and Village Panchayats shall ensure that the Rules, Circulars and Government Resolutions applicable for erection of hoardings at public places, on public streets/paths and all other places, are observed strictly.
- (b) These bodies shall also ensure that in case of violation of Rules or any Law or Circulars or Government Resolutions, strictest possible

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action permissible under law shall be taken against the erring persons or entities, individually as also collectively.

- (c) All the Municipal Corporations, Municipal Councils of all categories and Gram Panchayats are directed to undertake a special drive for removal of illegal hoardings and banners, which are found erected on public streets/paths at public places and in any other such places. The said drive may be of a duration of at least a week or ten days, period of which shall be decided by the Chief Executives of the Municipal Corporations/Municipal Councils/Gram Panchayats.
- (d) During the aforesaid special drive to be undertaken by all the aforesaid bodies, all co-operation, help and assistance which may be required shall be provided by the concerned police authorities, overall responsibility of which shall lay on the Superintendent of Police of the District concerned or the Police Commissioners of the Police Commissionerate concerned.
- (e) We also direct that for making the special drive for removal of illegal hoardings and banners a success, the Collectors, Sub-Divisional Officers, Tahsildars and other officers of the Revenue Administration shall take personal interest and extend their co-operation to the authorities of the Municipal Corporations, Municipal Councils and Gram Panchayats.
- (f) The District Collector of the District concerned shall, for the said purpose, convene a meeting within three days from today, which shall be attended by the Chief Executives and other officers of the Municipal Corporations/Municipal Councils/Gram Panchayats, the heads of the District Police Administration/Police Commissionerate and Officers of any other Departments, which the Collector may deem fit to be invited in the said meeting. In the meeting to be convened by the Collector, appropriate strategy shall be discussed and formulated and necessary instructions shall be issued for implementation of the same to all concerned so that the special drive for removal of hoardings/banners under this order achieves its purpose.

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- (g) The Respondents – Corporations/Councils shall file affidavit giving details of the steps which might be taken for implementing the directions being issued under this order, by the next date of listing.
 - (h) The affidavit to be filed under this order shall also contain the details of the action taken along with necessary data. The affidavits on behalf of the Municipal Corporations/Municipal Councils shall be filed by the Commissioners and the Chief Executive Officers concerned personally.
8. Stand over to **18th November, 2024 at 02:30 p.m.** To be placed **high on board.**
9. We request the learned Government Pleader to apprise all concerned of this order forthwith, including the Chief Secretary, Additional Chief Secretary/Principal Secretary, Urban Development Department and Revenue and Forest Department, so also, the Director General of Police of State of Maharashtra.
10. The learned counsel representing different Respondents-Corporations are also required to communicate this order to the respective Municipal Commissioners and Chief Executive Officers of the Municipal Councils forthwith.

[AMIT BORKAR, J.]

[CHIEF JUSTICE]