



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 37 of
2024

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SHARMA PARVATIBEN CHIMANLAL
Versus
AHMEDABAD MUNICIPAL CORPORATION & ORS.

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Appearance:

MR ROHIT N PATEL(6045) for the Applicant(s) No. 1
MR KAMAL B TRIVEDI, ADVOCATE GENERAL with MR G H
VIRK(7392) for the Opponent(s) No. 1
NOTICE SERVED BY DS for the Opponent(s) No. 2,3

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

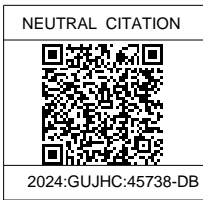
Date : 23/08/2024

ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)

1. Heard learned counsels for the parties and perused the record.
2. The present petition in the nature of Public Interest Litigation has been filed with the following reliefs :-

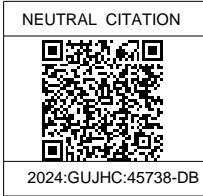
"(A) Issue an appropriate writ, order or direction to the respondent Corporation to remove hazardous hoardings and outdoor publicity and advertising mediums on public road erected in various areas of Ahmedabad City;

(B) Pending admission, hearing and final disposal of this petition, this Hon'ble Court may be pleased



to direct the respondent Ahmedabad Municipal Corporation to remove such type of advertising hoardings with immediate effect;"

3. In the Writ petition, the primary concern raised by the petitioner is about the hazardous way in which the hoardings had been permitted to be erected causing risk to the public safety and life as against the norms/regulations of the Corporation, viz. Ahmedabad Municipal Corporation, framed under the Gujarat Provincial Municipal Corporations Act, 1949 and the norms of the General Development Control Regulations (GDCR), which govern the erection of hoardings in the city.
4. On the presentation of the Writ petition, by order dated 12.07.2024, we have required the Municipal Commissioner, Ahmedabad Municipal Corporation to ensure that an inspection be carried out in the entire city of Ahmedabad by constituting teams to inspect all hoardings/billboards installed in the city and remove faulty structures or ensure that corrections are carried out under the instructions of the Municipal Commissioner so that all hoardings erected in the city are safe and there is not hazard to the public at large.
5. In the affidavit dated 01.08.2024, filed by the Deputy Municipal Commissioner (Estate), Ahmedabad Municipal Corporation, it has been brought before us that 34 teams have been constituted to carry out the inspection and in total, 2087 hoardings/billboards erected were inspected



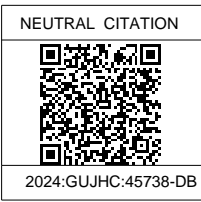
out of which, 74 hoardings were found to be illegal, erected without any permission, and remaining 12 were found to be unsafe. All such 86 hoardings have been removed. Insofar as, the dispute raised by the petitioner with regard to 7 hoardings erected by one M/s. Het Graphics pursuant to the tender awarded by the Corporation, a categorical statement has been made in paragraph '11' of the said affidavit that all 7 hoardings have Structural Stability Certificate and were found to be structurally safe.

6. In the rejoinder affidavit filed by the petitioner, the averments made in paragraph '11' of the affidavit-in-reply filed on behalf of the Ahmedabad Municipal Corporation has not been controverted. We may note that no para-wise reply has been given to the affidavit filed on behalf of the Corporation. In paragraph '3' of the rejoinder affidavit, it is sought to be submitted that the advertising hoardings are erected on a 'Unipole' as evident from the photographs placed at Annexure 'A' from pages 15-25, but if the record of the Corporation is called for to inspect the tender document, it would be clear as to whether tender was floated for 'Gantry' or 'Unipole'. It is sought to be submitted that 'Gantry' and 'Unipole' are two different features for erection of hoardings and there was a requirement for mentioning the same in the tender document. It is sought to be submitted that as per the Ahmedabad Outdoor Advertisement Policy, 2023, Clause 19 is meant for



'Gantry' advertisement. The submission, thus, is that the advertisement hoardings/billboards erected in the city are not in accordance with the Ahmedabad Outdoor Advertisement Policy, 2023, specifically the hoardings which are erected in the area of Sindhi Bhavan Road, Judges Bungalow Road, C.G. Road, Vastrapur and Science City as they are not 'Gantry' but 'Unipole'. This vague assertion made in paragraph '3' of the rejoinder affidavit is sought to be pressed before us by the learned advocate appearing for the petitioner to submit that an inquiry into the manner in which the tender was floated and the contract for installation of hoardings has been awarded is to be inquired by this Court.

7. We are not convinced with the said submission of learned counsel for the petitioner for the simple reason that there is no challenge in the PIL about the tender awarded to the concerned person for putting up the hoardings. The issue raised in the Writ petition was with regard to the hoardings put up in the city being hazardous or unsafe to public life, which has been duly addressed by the Corporation. Even otherwise, in the Public Interest Litigation, we are not inclined to make any roving inquiry to summon the record to make an inquiry into the tender conditions floated by the Corporation.
8. For the statement made in paragraph '3' of the rejoinder affidavit, it seems that the petitioner has filed the Writ



petition with some ulterior motive.

9. For the aforesaid, the Writ petition is dismissed having been rendered infructuous.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

BIJOY B. PILLAI