



Rane

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

CONTEMPT PETITION NO. 11 OF 2016

High Court on its own motion ..Petitioner
 VS.
 Ashish Shelar & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 25 OF 2013**

Mayur Mahesh Pathak ..Petitioner
 VS.
 Maharashtra State Environment
 Authority & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 45 OF 2009**

Milan Vasant Mhatre ..Petitioner
 VS.
 The State of Maharashtra & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 77 OF 2014**

Ratan Soli Luth ..Petitioner
 VS.
 State of Maharashtra & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 78 OF 2008**

Janhit Manch & ors. ..Petitioners
 VS.
 The State of Maharashtra & ors. ..Respondents

**WITH
CONTEMPT PETITION NO. 210 OF 2018**

Qaneez-E-Fatemah Sukhrani ..Petitioner
 VS.
 Saurabh Rao, Municipal Commissioner
 & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 136 OF 2009**

Prabhakar V. Chaudhary ..Petitioner

vs.
Thane Municipal Corporation (through
the Commissioner of Thane Municipal
Corporation) & ors. ..Respondents

**WITH
WRIT PETITION NO. 13726 OF 2018**

Imtiyaz Mahiboob Bagwan ..Petitioner
vs.
The Chief Executive Officer Karad
Nagarparishad & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 249 OF 2014**

Qaneez-E-Fatemah Sukhrani & anr. ..Petitioners
vs.
The Commissioner Pune Municipal
Corporation & ors. ..Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

Suswarajya Foundation,
Satara & anr. ..Petitioners
vs.
The Collector, Satara & anr. ..Respondents

**WITH
CIVIL APPLICATION (ST) NO. 826 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

The State of Maharashtra through
the Minister/Secretary ..Applicant
vs.
M/s. Suswarajya Foundation
Satara & anr. ..Respondents

**WITH
CIVIL APPLICATION (ST) NO. 1094 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

Election Commission of India,
through Chief Electoral Officer ..Applicant

vs.
M/s. Suswarajya Foundation
Satara & anr. ..Respondents

**WITH
CIVIL APPLICATION (ST) NO. 28641 OF 2018
IN
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

The State of Maharashtra through
the Minister/Secretary ..Applicant

vs.
M/s. Suswarajya Foundation
Satara & anr. ..Respondents

**WITH
CIVIL APPLICATION NO. 36 OF 2019
IN
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

Zoru Darayus Bhathena ..Applicant

vs.
M/s. Suswarajya Foundation
Satara & anr. ..Respondents

**WITH
WRIT PETITION NO. 2628 OF 2016**

Solutions Advertising through
Proprietor Mr. Pravin Solanki ..Petitioner

vs.
Thane Municipal Corporation & ors. ..Respondents

**WITH
INTERIM APPLICATION (ST) NO. 20505 OF 2002
IN
SUO MOTU CONTEMPT PETITION NO. 11 OF 2016
IN
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

Laxmikant Ramesh Sagar ..Applicant
(Intervener)

IN THE MATTER BETWEEN
High Court on its own motion ..Petitioner

vs.
Ashish Shelar & ors. ..Respondents

(with group of petitions)

Laxmikant Ramesh Sagar ..Applicant
(Intervenor)

vs.
Aman Mittal
The Commissioner,
Latur Municipal Corporation & ors. ..Contemnors/
Respondents

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

Mr. Pradeep Gole for Petitioner in WP/13726/2018.

Dr. Uday P. Warunjikar for Petitioner in PIL/155/2011.

Mr. A. A. Kumbhakoni, AG a/w. Mr. P.P. Kakade, GP a/w Mr. B.V. Samant, AGP a/w Mr M.M. Pabale AGP for State.

Mr. A.Y. Sakhare, Sr. Adv a/w Ms Kejali H. Mastakar for Rsep No.5& 6/MCGM in PIL 78/2008 and PIL/155/2011.

Mr. Pradeep Rajagopal a/w Ms Drishti Shah i/b Ajinkya Udane for Election Commission of India.

Mr. M.S. Bhardwaj for Respondent Union of India in PIL/78/2008.

Mr. Rajesh G. Singh i/b Legal Liaisons for Resp No.1 in CP/11/2016.

Mr. Abhinav A. Bhatkar i/b Mr Vijay Killedar for Resp No.7 & 8 in CP/210/2018.

Mr. Pramod Kathare a/w Mr Ajaykumar R. Kori for Resp No.7 & 13 in CP/11/2016.

Mr. T.J. Pandian a/w. Dheer Sampat for Resp No.6/ Railways in CP/210/2018.

Ms Sharmishtha Patil i/b Mr Yuvraj Narvankar for Resp No.25 in PIL/155/2011 a/w CAI(ST)/826/2018.

Ms. Sweta Shah a/w. Aditya Mahadik i/b Mr Abhijit P. Kulkarni for Pune Municipal Corporation/R 1 & 6 in CP/210/2018 & CP/11/2016.

Ms. Pranjal M. Khatavkar i/b Shriram S. Kulkarni for Resp No.11 in PIL155/2011 and for Resp Dudhani Municipal Council, Yeola Municipal council and Ahmednagar Municipal Corporation.

Mr. Rohit Sakhadeo for Resp No.3/Nashik Municipal Corporation in PIL/155/2011.

Mr. Ajit Hon for Resp/ Shirdi Municipal Corporation and Akkalkot Municipal Corporation.

Ms. Aditi S. Naikar i/b. Mr. Pradeep J. Throat for resp.no.14/ Aurangabad Municipal Corporation in PIL/155/2011.

Mr. Dinesh P. Adsule for Resp in Kulgaon Badlapur Nagar Parishad in PIL/155/2011.

Mr. Rajat Dighe i/b. Mr. A. S. Rao for respondent no.11/Kalyan Dombivli Municipal Corporation in PIL/155/2011.

Mr. A.A. Garge for Lonavala Municipal Council in CP/11/2016, PIL/155/2011, PIL/78/2008.

Mr. Samir Kumbhakoni for Resp No.13/ Solapur Municipal Corporation in PIL/155/2011.

Mr. G.H. Keluskar for Resp Nos. 15 & 16 in PIL/155/2011.

Mr. Umesh Mankapure for resp.no. 24 in PIL/155/2011.

Ms. Swati Sagvekar for respondent - Vasai Virar City Municipal Corporation.

Mr. Gaurav Yadav i/b. BJ Law Offices LLP for resp. no.19/Akola Municipal Corporation in PIL/155/2011.

Mr. Sharad Bhosale a/w. Suyash Khose i/b. Mr. Dilip Bodake for resp.no.1 in WP/13726/2018.

Mr. Prakash Jadhav, Joint Superintendent of License present in Court.

Mr. Ram S. Apte, Sr. Adv a/w. Pooja R. Singh i/b. Mr. N. R. Bubna for resp.no.2 in PIL/45/2009 for resp. no.1 in PIL/136/2009 and for r.no.9/Thane Municipal Corporation & resp.no. 17/ Bhiwandi Nizampur Municipal Corporation & resp.no.17/Bhiwandi Nizampur Municipal Corporation and in PIL/155/2011.

Mr. Abhijeet A. Joshi i/b. Pooja A. Joshi for Ulhasnagar Municipal Corporation.

Mr. Manoj Shirsat a/w. Chetan Mhatre, Kiran Mohite and Jitendra Satpute i/b. Mr. Manoj Kondekar for intervenor in IA(ST) no. 20505/2022.

Mr. Manoj Shirsat i/b. Pushpa Thapa in IA.No.36/2019 in PIL/155/2011.

Mr. Sandeep Patade for resp.no.2 in PIL/155/2011.

Mr. Tejesh Dande for r.no.5 in CAI/ST/1826/2018, 1094/2018, 36/2019 in PIL/155/2011.

Mr. Prabhakar Jadhav for respondent in PIL/37/2010.

**CORAM : DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE : SEPTEMBER 12, 2022

P.C.:

1. Mr. A. A. Kumbhakoni, learned Advocate General appearing on behalf of the State, in response to the Court's directions as regards the compliances made by the State

and the Municipal authorities to curb the menace of unlawful and illegal hoardings, submitted that in exercise of the powers conferred by Section 244 and 245 read with sub-section (1) Section 456A of the Maharashtra Municipal Corporation Act, 1949 has framed rules called Maharashtra Municipal Corporations (Regulations and Control of the Display of Sky-signs and Advertisement) Rules, 2022 (hereafter 'the said rules' for short). It is submitted that strict action will be taken against the hoardings which are non compliant with the said rules.

2. Our attention is invited to the report tendered on August 19, 2022 pursuant to our directions dated June 16, 2022. Various steps taken by the State Government and local authorities in compliance of the various directions issued by this Court in the judgment dated January 31, 2017 are enlisted. It is pointed out that the Government of Maharashtra published detailed guidelines dated April 29, 2022 for controlling the publication of Sky-signs and advertisements, including hoardings, for the area of Municipal Corporations of Greater Mumbai. Learned Advocate General assured us that the said rules and the guidelines will be scrupulously followed and that the issue of illegal hoardings/banners, being of recurring nature, requires continuous monitoring and follow up action will be taken. He further submitted that a meeting through Zoom Platform (video conference) was conducted by the Government Pleader's Office along with all Nodal Officers of the Police Department throughout the State of Maharashtra on July 18, 2022. It is pointed out that in the said meeting,

the Nodal Officers shared their experiences in respect of the action taken against illegal hoardings and made certain suggestions which shall be duly considered. Learned Advocate General further submitted that the office of Directorate of Municipal Administration (DMA) directed the Municipal Corporations and Municipal Councils to conduct a Special Drive on August 3, 2022 and August 4, 2022 for taking action against illegal hoardings in their respective areas. The summary results of the action in respect of illegal hoardings by Municipal Corporations (except MCGM) and Municipal Councils in Special Drive is enclosed with the report. In Mumbai City, the Mumbai Police Commissioner office conducted joint exercise in collaboration with Municipal Corporation of Greater Mumbai during August 3, 2022 to August 13, 2022 for taking action against illegal hoardings. Learned Advocate General then invited our attention to the further suggestions and probable measures enlisted in the report considering the peculiar nature of the problems caused by illegal hoardings/banners and its recurring nature.

3. Learned counsel for the PIL petitioners submitted that on the basis of the statistics regarding Special Drive undertaken on August 3, 2022 and August 4, 2022, it could hardly be said that serious action is taken against illegal hoardings. We notice that Aurangabad Municipal Corporation, Latur Municipal Corporation, Nanded Waghala Municipal Corporation, Municipal Corporation, Chandrapur Municipal Corporation, Ahmednagar Municipal Corporation, Kolhapur Municipal Corporation and Solapur Municipal

Corporation have not furnished any details about the action taken regarding the Special Drive to be held on August 3, 2022 and August 4, 2022. The concerned Municipal Corporations are directed to file affidavits regarding action taken before the next date. If such affidavits are not filed before the next date, we may have to call upon the concerned Municipal Commissioners/ Chief Executive Officers to personally remain present with relevant records.

4. Mr. Shirsat, learned counsel for one of the intervenors submitted that the State may consider putting up Q.R. Code on the hoardings which will facilitate identifying the genuine and authorized hoardings with ease, thus, paving the way for prompt and immediate action against illegal and unauthorized hoardings. We find this suggestion quite appealing and the State may examine this aspect and consider issuing administrative instructions in this respect.

5. Additional affidavits tendered, are taken on record.

6. Stand over to **October 13, 2022, at 3.30 p.m.**

(M. S. KARNIK, J.)

(CHIEF JUSTICE)