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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

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Dr. Uday P. Warunjikar a/w Mr. Siddhesh A. Pilankar & Mr. Dattaram R. Bile Ms. Sonali R. Chavan for Petitioner in PIL/155/2011.

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

Mr. Manoj Shirsat i/b. Mr. Manoj Kondekar in IA/18076/2022 for Intervenor.

Mr. Manoj Shirsat i/b. Ms. Pushpa Thapa in CAI/36/2019 for Intervenor.

Mr. Sharad T. Bhosale for Resp. No. - 1 in WP/13726/2018.

Mr. Sarvesh Gawade a/w Ms. Krutika Joshi i/b. Mr. Sandip Ghogare for Respondentin CP/11/2016

Ms. Gunjan Shah i/b. Mr. Prafulla Shah for Respondent No. 2.

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

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

Mr. Pramod G Kathane for Resp. No. - 7(Amaravati Municipal Corporation).

Ms. Aditi S. Naikare for Resp. No. 8 in PIL/155/2011 (Aurangabad Municipal Corporation).

Mr. Pranjal M. Khatavkar i/b Mr. Shriram Kulkarni for Resp. No.11 (Ahemadnagar Muncipal Corparation).

A. S. Rao for Respondent No. 11.

Adv. G. H. Keluskar for Resp. No. 15 and 16.

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

Mr. Akshay V. Bhalerao i/b. Mr. Shahid Ali Ansari for Resp. No. - 20

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

Ms. Stefy J Dias i/b. Mr. Umesh R. Mankapure for Respondent No. - 24.

Mr. Yuvraj Narvankar for Respondent No. - 25.

Mr. Ajinkya Gaikwad a/w Ms. Kavisha Khanna a/w Mr. Asim Sarode for Resp. No. - 26.

Mr. Vishwanath Patil a/w Mr. Kedar Nhavkar For Respondent Solapur Municipal Corporation.

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

Mr. Anil Kate Supdt. of Licence(BMC).

Mr. Anup Kamble i/b. Mr. Aditya Raktade and Mr. Hanmant Patil for Latur Municipal Corporation.

Mr. Anup Kamble i/b. Mr. Aditya Raktade for Ichalkaranji Municipal Corporation.

Dr. Birendra B. Saraf, Advocate General with Mrs. Neha S. Bhide GP a/w O. A. Chandurkar Addl.GP and Mrs. G. R. Raghuwanshi AGP for State of Maharashtra.

Mr. Aniruddha Arun Garge for Respondent No. 69 - (Lonavala Municipal Corporation).

Mr. Hamid Mulla For (Mangalwedha Municipal Council, Dist. Solapur)

Ms. Gauri Velankar i/b. Mr. Sarang S. Aradhye for Respondent. (Pandharpur Municipal Council, Saswad Municipal Council,

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Dhule Municipal Council, Jejuri Municipal Council, Panvel Municipal Corporation)

Miss Zeel Jain a/w Mr. Jitendra Gaikwad for Respondent (Jalgaon Municipal Corporation)

Mr. Vinod Sangvikar for Ichalkaranji Municipal Corporation.

Mr. Ajit Hon for Shirdi Municipal Council and Akkalkot Municipal Council.

Mr. Abhijit P Kulkarni a/w Mr. Abhishek Roy with Mr. Gaurav Shahane For PMC

Mr. Rajesh G. Singh Proposed of M/s Legal Laisons in CONPW/82/2010 in PIL/37/2010.

Mr. Shailesh A. Sahu a/w Mahesh I. Dhatrak, for Municipal Corporation – Chandrapur, Municipal Council – Butibori, District Nagpur, Municipal Council – Umred, District Nagpur, Municipal Council – Kamptee, District Nagpur, Municipal Council – Wadi, District Nagpur, Nagar Panchayat - Godhni Railway, District Nagpur, Nagar Panchayat – Mahadula, District Nagpur, Nagar Panchayat - Hingna, District Nagpur & Nagar Panchayat - Bahadura, District Nagpur.

**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.

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Mr. Mohit P Jadhav Adv for Respondent 24.

Mr. A. Y. Sakhare, Senior Advocate a/w Oorja Dhond i/by Komal Punjabi for Respondent – BMC.

**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

Ms. Vedanshi Shah i/b Mahalakshmi Ganapathy Adv. For Petitioner.

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

Mr. A. Y. Sakhare, Senior Advocate a/w Oorja Dhond i/b Komal Punjabi Adv. for Respondent BMC.

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

DATE : 18th NOVEMBER, 2024

P. C.

1. The subject matter in issue in this PIL Petition was already decided by this Court by passing the judgment and order dated 31st January, 2017, whereby certain directions to the authorities, namely Municipal Corporations, Municipal Councils etc. were issued including directions to the State Government, Director General of Police, District Superintendent of Police and other State Officers. These directions are in connection with

checking erection of illegal hoardings and banners on the public streets.

2. However, while hearing certain Contempt Petitions, on account of the need to continuously monitoring and for ensuring required action by the authorities concerned, the proceedings of the Public Interest Litigation No.155 of 2011 were revived and thereafter various directions were issued by the Court on 9th October, 2024. In paragraph 7 of the said order by the Court, the Municipal Bodies were directed to undertake a special drive for removal of illegal hoardings and banners and such drive was directed to be carried on at least for a week or ten days. Directions were also issued to various other authorities including the Police Authorities and District Collectors etc. to do the needful for making the special drive a success. Such directions were issued in the wake of the elections, which were likely to start at that point of time. The affidavits were called upon to be filed by the Corporations/Councils giving details of the steps which were taken for implementing the directions given by the Court in its order dated 9th October, 2024. It was also directed that the

affidavits in compliance of the order dated 9th October, 2024 passed by the Court shall be filed by the Municipal Commissioners, so far as the Municipal Corporations are concerned and by the Chief Executive Officers, so far as the Municipal Councils are concerned. However, it has been pointed out by the learned counsel for the Petitioner Mr. Uday Warunjkar that the some of the affidavits, which have been filed by the Municipal Corporations/Councils did not appear to be in conformity with the directions issued by the Court on 9th October, 2024. Some of the discrepancies pointed out in this regard in the affidavits filed by the Corporations/Councils are that the affidavits have not been sworn in by the Municipal Commissioners of the Municipal Corporations or Chief Executive Officers of the Municipal Councils in some of the cases. Similarly, it has also been pointed out that the necessary disclosure about the action taken for ensuring compliance of the order dated 9th October, 2024 have also not been made.

3. Learned AGP informs the Court that there are 29 Municipal Corporations in the State of Maharashtra and 392 Municipal Councils. She has further submitted that the steps

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which were required to be taken at the level of the Directorate of Municipal Administration were taken.

4. Having regard to the large number of Municipal Corporations and Municipal Councils, we direct that every Municipal Corporation and Municipal Council shall furnish relevant information giving details of the actions taken for ensuring compliance of the order dated 9th October, 2024 passed by the Court to the State Government/Directorate of Municipal Administration. Such information by the Municipal Corporations shall be submitted to the State Government in the Department of Urban Development and by the Municipal Councils to the Directorate of Municipal Administration. The information to be submitted under this order by the Municipal Corporations/Municipal Councils shall be submitted under the signatures of the Municipal Commissioners/Chief Executive Officers of the concerned Corporations and Councils. We further direct that information received under this order from the Municipal Corporations and Municipal Councils shall be compiled by the State Government and the Directorate of Municipal Administration respectively and shall be tendered to the Court

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by the next date of listing by means of affidavits, which shall be sworn by the Additional Chief Secretary/Principal Secretary, Department of Urban Development and the Directorate of Municipal Administration after verifying the information which would be submitted to them by the respective Municipal Corporations and Municipal Councils. The information shall be furnished to the Court, while filing the affidavit, in a tabular form in a comprehensive manner.

5. The information to be furnished under this order shall also contain the necessary details of the persons/organizations/parties responsible for erecting the illegal hoardings and banners, which are said to have been removed pursuant to our order dated 9th October, 2024.

6. Learned counsels at Bar in unison have expressed their concern and apprehension about the menace of illegal hoardings taking ugly shape in all the Municipal Corporations/Municipal Councils once the election results are declared. We thus direct all the authorities, namely the authorities of the Municipal Bodies, the District Civil and Police

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Administration, the State Government, the District Heads of the Police, Director General of Police and other authorities to be vigilant enough and take appropriate action so that immediately after results of the elections are declared, the attempt to erect illegal hoarding, banners and posters etc., is immediately checked. We also direct that the Additional Chief Secretary/Principal Secretary, Home Department and the Director General of Police shall immediately issue requisite Circulars instructing all the concerned authorities including the District Police Heads and Police Commissioners to provide necessary police force for assistance of the Municipal Bodies to ensure that illegal hoardings and banners/posters are not erected after declaration of the results of the elections.

7. Considering the hazards of the illegal hoardings, banners and posters, which more often involve use of plastic or other such bio non-degradable substances, we may observe that any breach of the directions contained in this order shall be the personal responsibility of the Municipal Commissioners, Chief Executive Officers of the Municipal Councils, Heads of the District Administration, namely the District Collectors and the

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Head of the District Police Establishments/Police Commissioners, Director of Municipal Administration and the Additional Chief Secretary/Principal Secretary of the Urban Development Department.

8. We request the learned Advocate General to assist the Court in this matter. We further request him to communicate this order to all concerned, namely the Additional Chief Secretary/Principal Secretary, Home Department, Additional Chief Secretary/Principal Secretary, Urban Development Department, the State Government, Directorate of Municipal Administration, all the Municipal Commissioners of the Municipal Corporations and the Chief Executive Officers of the Municipal Councils. We further request the learned Advocate General to apprise the Director General of Police and all the Police Commissioners and the District Police Heads in the State of this order forthwith.

9. Stand over to **18th December, 2024**. To be placed **high on board**.

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10. The necessary information under this order shall be submitted to the State Government/Directorate of Municipal Administration by the respective Municipal Corporations and Municipal Councils by 9th December, 2024, whereupon the said information shall be compiled and accordingly, as required under this order, shall be furnished to the Court by filing the requisite affidavits by the next date of listing.

11. We may remind that almost all major political parties have filed their undertakings stating that they will not erect illegal hoardings, banners and posters, however, having regard to what is happening at the ground level, judicial notice can be taken of the fact that in most of the cases these illegal hoardings, posters and banners are being erected by these parties. The parties are reminded that any violation thereof may be viewed seriously and may entail legal action.

[AMIT BORKAR, J.]

[CHIEF JUSTICE]