

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 155 OF 2011**

Suswarajya Foundation, Satara & Anr.

...Petitioners

Versus

The Collector, Satara & Anr.

...Respondents

**WITH
PUBLIC INTEREST LITIGATION NO. 78 OF 2008
WITH
PUBLIC INTEREST LITIGATION NO. 45 OF 2009
WITH
PUBLIC INTEREST LITIGATION NO. 136 OF 2009
WITH
PUBLIC INTEREST LITIGATION NO. 25 OF 2013
WITH
PUBLIC INTEREST LITIGATION NO. 77 OF 2014
WITH
PUBLIC INTEREST LITIGATION NO. 249 OF 2014**

**AND
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 37 OF 2010

Janhit Manch & 2 Ors.

...Petitioners

Versus

Brihanmumbai Municipal Corporation & 16
Ors.

...Respondents.

None for the Petitioner in PIL/37/2010, PIL/45/2009, PIL/136/
2009 & PIL/25/2013

Mr. Uday P. Warunjikar, for the Petitioners in PIL/55/2011.

Mr. Rahul Thakur, for the Petitioners in PIL/78/2008.

- Ms. Mallika Taly, with Ms. Kaniz Munjee, i/b S. Mohomedbhai & Co., for the Petitioner in PIL/77/2014.
- Mr. Ravindra S. Pachandkar, for the Petitioners in PIL/249/2014.
- Mrs. M.P. Thakur, AGP for Respondent No. 1 in PIL/155/2011, for Respondent Nos. 1,2 & 9 in PIL/78/2008, for Respondent Nos. 1, 3 and 4 in PIL/45/2009, for Respondent Nos. 1, 5 & 7 in PIL/77/2014, for Respondent No. 2 in PIL/136/2009.
- Mr. N.R. Bubna, for Respondent No. 1 in PIL/136/2009 & for Respondent No. 2 in PIL/45/2009 & for Respondent Nos. 9 and 17 in PIL/155/2011.
- Mr. A.Y. Sakhare, Senior Counsel, with Ms. Trupti Puranik, for Respondent Nos. 1 & 2-BMC in PIL/37/2010 & for Respondent No. 5-BMC in PIL/155/2011, for Respondent No. 4-BMC in PIL/78/2008.
- Mr. Dinesh Pandurang Adsule, for Respondent No. 2 in PIL/155/2011.
- Ms. Prachi Sawant, i/b M.V. Kini & Co., for Respondent No. 2 in PIL/25/2013.
- Mr. Vaibhav Prakash Patankar, for Respondent No. 3 in PIL/155/2011 & for Respondent Nos. 2 & 3 in PIL/45/2009.
- Mr. Anuruddha A. Garge, for Respondent Nos. 4 & 69 in PIL/155/2011 & for Respondent No. 6 in PIL/78/2008.
- Mr. Abhijeet P. Kulkarni, for Respondent No. 6 in PIL/155/2011.
- Mrs. S.V. Bharucha, for Respondent No. 10 in PIL/78/2008.
- Mr. Shriram S. Kulkarni, for Respondent No. 11 in PIL/155/2011.
- Mr. Samir Kumbhakoni, for Respondent No. 13 in PIL/155/2011.
- Mr. Ajit Hon, i/b Mr. Ashwin V. Hon, for Respondent No. 21 in PIL/155/2011.
- Mr. Yuvraj Morvankar, for Respondent No. 23 in PIL/155/2011.
- Mr. Sandesh Patil, i/b Mr. Anil D. Yadav, for Respondent No. 27 in PIL/155/2011.
- Mr. Sandeep Aole, i/b Vidhi Partners, for Respondent No. 31 in PIL/155/2011.
- Ms. Geeta Shastri, Additional GP, for Respondent Nos. 3 to 5-State in PIL/37/2010.
- Mr. S.P. Nangre, for Respondent Nos. 10 & 16 in PIL/37/2010.
- Mr. Amrendra Mishra, for Respondent No. 11 in PIL/37/2010.
- Mr. R.G. Singh, i/b Legal Liaisons, for Respondent No. 12 in PIL/37/2010.

CORAM: A.S. OKA & G.S. PATEL, JJ.

DATED: 26th November 2015

PC:-

1. In all the major cities in the State, illegal hoardings, posters, flexes, arches etc. are being displayed in very large number. The grievance in this Petition is about the failure of the Municipal Authorities to take action of removal of such illegal hoardings etc. The grievance is that the Municipal Authorities in the State have failed to prevent defacement of public and private properties. From time to time, this Court has issued interim directions in these Public Interest Litigations. The issues raised in these Petitions have been put in nutshell in paragraph 1 of the order dated 6th August 2014, which reads thus:

“1. These Public Interest Litigations have been filed essentially for bringing to the notice of the Court that in all major cities in the State there are large number of illegal banners, hoardings, posters, digital flexes, arches etc. displayed mainly by the political leaders/workers. Occasions for such display are birthdays of political leaders, appointments made of the political leaders to a particular post, alleged achievements of the political leaders. There are posters and banners displayed for welcoming the political dignitaries to various cities. There is a display of banners, posters, flexes, Arches etc by the political leaders for conveying good wishes on account of religious festivals. Apart from illegalities committed by political leaders/workers, there are others who indulge in such illegalities. The illegalities are causing defacement of private and public properties in the cities. It is brought to the notice of the Court that the

Municipal /Police Authorities are not taking action in respect of these illegalities for various reasons.”

2. Interim directions have been issued by this Court from time to time in the orders dated 6th August 2014, 30th September 2014, 24th September 2014, 19th December 2014, 27th January 2015 and 12th March 2015.

3. For the sake of convenience, in this order, the word “hoardings” is used to refer to hoardings, banners, posters, banners, arches, and flexes (flags). A perusal of the aforesaid interim orders shows that a machinery has been created at the level of the Municipal Corporations/Municipal Councils and the State Government for tackling the issue of display of illegal hoardings. There are directions issued not only to remove the illegal hoardings but to ensure that the display of such illegal hoardings is stopped. There are directions for prosecuting all the wrong-doers under the provisions of the Mumbai Municipal Corporation Act, 1888 and the Maharashtra Municipal Corporations Act, 1949, as well as under the provisions of the Maharashtra Prevention of Defacement of Property Act, 1995. A network of Nodal Officers appointed by the Municipal Corporations, Police and the State Government is already in place to prevent the defacement of the public and private properties. Though the Mumbai Municipal Corporation and the State Government have placed on record documents claiming that compliance has been made with interim orders made from time to time, we find on the basis of Affidavit filed by the party in person in Public Interest Litigation No. 37 of 2010 and compilation of reports of the Court Commissioners that, notwithstanding all the directions issued by this Court, and notwithstanding the existence

of the machinery, in all cities wholly illegal hoardings continue to be put up. In Public Interest Litigation No. 37 of 2010, the Petitioner appearing in person Mr. Raiyani has filed an Affidavit dated 31st October 2015 to which photographs taken by him in various locations at Vile Parle (West) on 16th October 2015 have been annexed, and which show illegal hoardings erected by the workers of various political parties. He has also tendered across the bar photographs of illegal hoardings erected by political parties and other organizations in November 2015 at the time of Chhat Pooja.

4. As far political parties are concerned, both in Public Interest Litigation No. 155 of 2011 and Public Interest Litigation No. 37 of 2010, leading political parties have been impleaded as party-Respondents. From the record, we find that the Maharashtra Navnirman Sena (“MNS”), the Bharatiya Janata Party (“BJP”), the Nationalist Congress Party (“NCP”) and the Republican Party of India (Athavale Group) (“RPI”) have caused appearance to be entered through their respective Advocates.

5. Undertakings were filed by the office-bearers of BJP, MNS and NCP stating that these parties will issue circulars to all their party workers not to put up, display or erect illegal hoardings. In the undertakings, assurances have been recorded that the said three political parties will cooperate with all authorities for the removal of such illegal hoardings. Paragraph 23 of the order dated 6th August 2014 makes a note of the fact that at one stage the learned counsel appearing for the RPI (Athavale Group) made a statement that similar undertakings will be given. However, none has appeared for the said political party thereafter.

6. On the aspect of giving undertakings, it is necessary to make a reference to the earlier orders passed by this Court. Under the order dated 6th August 2014, in paragraph 20, the undertaking given by Mr. Mukund Kulkarni, authorized representative of BJP has been quoted. In paragraph 22, the undertaking given by Mr. Shivaji Gajre, General Secretary of the NCP has been quoted. Both the said undertakings were accepted by this Court. Under the same order, a direction was issued to the Registrar to issue notices to those political parties which were not then represented before the Court. The order records that the political parties which are not represented should come forward and state before the Court whether they are willing to give similar undertakings.

7. Under the order dated 30th September 2014, the undertakings given by Mr. Swararaj alias Raj Shrikant Thackeray, the President of the MNS, as well as Mr. Bala Nandgaonkar, a Member of the Maharashtra Legislative Assembly representing the same political party were accepted by marking the same as "A" and "A1" for identification. The undertakings are on the same line as undertakings filed by the BJP and NCP. In addition to the Affidavit, Mr. Ashish Shelar, President of BJP Mumbai Unit has placed on record a circular dated 25th July 2014 issued by the said political party to its workers in terms of the one annexed as Exhibit "A" to the undertaking dated 25th September 2014 of Mr. Kulkarni.

8. There is a further order passed by this Court on 19th December 2014 under which several advocates were appointed as Court Commissioners. There is another detailed order dated 23rd

January 2015 which takes a note of the breaches committed by the Municipal Authorities as well as the political parties.

9. Then comes the order dated 12th March 2015. Under the said order, breach of the undertakings given by the BJP and MNS was noticed and, accordingly, show-cause notices were issued to Mr. Ashish Shelar of BJP and Mr. Swararaj alias Raj Shrikant Thackeray and Mr. Bala Nandgaonkar of MNS. On 29th October 2015, Affidavits tendering apologies were filed by Mr. Mukund Kulkarni on behalf of the BJP and Mr. Shivaji Gajre on behalf of NCP. The statements made in the Affidavit were accepted and accordingly the notices issued to the three leaders were discharged. Subsequently by accepting the assurances given by Mr. Bala Nandgaonkar and Mr. Swararaj alias Raj Shrikant Thackeray, the notices issued to them were also discharged.

10. To summarize, undertakings were given on behalf of three political parties to issue circulars to their respective party-workers calling upon them not to put up, erect or display illegal hoardings. The undertakings record assurances by three political parties to cooperate with all the Authorities in the removal of these illegal hoardings. Subsequently, as per the directions issued by this Court as well as the statements made in the Affidavits filed by the three parties, publicity was given by all the three political parties to the circular by having it published in some leading newspapers.

11. The grievance made before this Court is that the workers and some leaders of three parties have even thereafter continued to erect, put and display illegal hoardings. This grievance made before

the Court is well supported by the Affidavit dated 31st October 2015 filed by Mr. Raiyani and the photographs tendered by him across the bar. The said Affidavit shows that on account of Navratri Festival and on account of Chhat Pooja in October and November 2015 hoardings were displayed at the instance of BJP, Shivsena and MNS and the Indian National Congress. The said Affidavit also brings on record the fact that where pandals were erected for celebrating the Navratri Festival illegal hoardings were allowed to be displayed and the Municipal Corporation has not taken any action. We must note here that the orders passed by this Court from time to time are applicable even to the illegal hoardings displayed by the sides of pandals erected for celebrating religious festivals like Ganapati and Navaratri as well as the illegal hoardings displayed on the pandals.

12. The learned counsel representing the BJP and MNS, on instructions, have tried to disown the hoardings, the photographs which are filed on record by the Petitioner appearing in person in Public Interest Litigation No. 37 of 2010. Nonetheless they have accepted that the names displayed of the persons who have allegedly put up the hoardings are indeed of the workers/office bearers of the said two political parties.

13. A perusal of the several Affidavits on record of the Public Interest Litigations and the reports submitted by the Court Commissioners will show that a large number of cases of breaches committed are by leaders or workers of the political parties.

14. Now coming back to the undertakings which are submitted by the three political parties, these are to the effect that a circular will be issued to the party units and party workers that no hoardings shall be displayed without the permission of the Competent Authority and they shall strictly follow the provisions of law in the display of hoardings. There is an assurance to cooperate with the Authorities for removal of illegal hoardings. There is also an assurance given that no one will create any hurdle in the removal of illegal hoardings in terms of the undertakings. Further, circulars have been not only issued by the three political parties, but wide publicity has been given by the political parties to these circulars issued to the party workers and party units. Copies of the advertisements containing the circulars published in daily newspapers are on record. Thus, as far as the three parties, viz., BJP, NCP and MNS are concerned, all the workers of the parties are fully aware of the directions issued by this Court from time to time. Notwithstanding the fact that the workers/leaders of the BJP and MNS are fully aware of the interim orders passed by this Court, recent photographs placed on record show that in gross breach of the directions issued by this Court, illegal hoardings have been displayed by the workers /office bearers of the political parties.

15. Photographs Nos. 7 and 9 annexed to the Affidavit dated 31st October 2015 of Mr. Raiyani show that even Mr. Ashish Shelar who has personally filed an Affidavit on behalf of the BJP has played a part in the display of illegal hoardings. The hoardings shown in the photographs at Sr. Nos. 7 and 9 contain an appeal by Mr. Ashish Shelar and other party-workers and office-bearers to the devotees of Lord Ganesha. By the said hoarding, Mr. Shelar and other party-

workers have welcomed the devotees of Lord Ganesha. Though before the Court a submission is made by the learned Advocate representing BJP and Mr. Shelar that he is not instrumental in the display of this hoarding, the said statement cannot be accepted at its face value.

16. The learned counsel representing the Respondent No. 12 in Public Interest Litigation No. 37 of 2010 and Respondent No. 27 in Public Interest Litigation No. 155 of 2011 (BJP) have tendered across the bar the addresses of the party-workers/office-bearers whose names appear in the hoardings. The same are taken on record and marked as "Z-1" and "Z-2" for identification. *Prima facie*, we are of the view that Mr. Ashish Shelar and the said persons whose names appear on the hoardings have committed deliberate violation of the interim orders passed by this Court and, therefore, we propose to issue contempt notices to them. Similarly, the learned senior counsel representing MNS tried to disown the illegal hoardings displaying images of the top leaders of the party. The hoardings show that Mr. Sanjay Adwarekar, Mr. Harish Katale and Mr. Sachin Gunjal are the persons who appear to have displayed illegal hoardings. *Prima facie*, even these three persons have committed deliberate violation of the interim order passed by this Court. Hence, we propose to issue notice to the said three persons as well. The Office of the Commissioner of Police shall locate addresses of the said three persons.

17. Based on several Affidavits on record, even filed by some of the Municipal Corporations, as stated earlier, the majority of cases of breach are by the leaders/workers of leading political parties.

From the photographs of the hoardings which are on record, we find that the images of prominent party leaders of the said political parties are displayed on such illegal hoardings. It will be appropriate if the leaders of the political parties who have filed undertakings before the Court invite the attention of the said top leaders to the fact that their photographs are being displayed on the illegal hoardings so that even the said leaders can appeal to the party-workers not to participate in such illegal activities.

18. At this stage, we may note the submission made by the learned counsel appearing for the Petitioner in Public Interest Litigation No. 155 of 2011. His submission was that obviously such illegal hoardings are displayed by the political and party-leaders with the tacit approval of the leaders whose photographs are displayed on the boardings. Though at this stage we are not accepting the submission in support of the prayer to issue notice to the leaders as well, depending upon the compliance given by the political parties, appropriate inference will have to be drawn.

19. After finding the breaches of various political parties, some of which have not chosen not to appear before the Court notwithstanding service, it will be appropriate to make a reference to the powers conferred upon the Municipal Commissioners both under the Mumbai Municipal Corporation Act, 1888 (for short, "the said Act of 1888") and the Maharashtra Municipal Corporations Act, 1949 (for short, "the said Act of 1949"). As far as the said Act of 1888 is concerned, the power is governed by Section 328 read with Section 328A thereof. So far as the said Act of 1949 is concerned, the power conferred on the Commissioner is

under Section 244 read with Section 245. On a plain reading of the said provisions, the power to permit a display of sky signs is discretionary. Whenever the Municipal Commissioners find that a particular individual or a member organization is indulging in display of illegal hoardings, the Municipal Commissioner or the officers empowered to grant permission under the aforesaid statutory provisions will be entitled to reject the applications on the ground that the applicants have engaged in illegality. Indeed, we see no reason why, once an illegal hoarding has been erected by a particular political party or on behalf of a particular political party, any application made by any worker or leader of that party for permission should not be rejected outright. The principle is simple and straightforward: statutory discretion can only be exercised in favour of the law-abiding, never in favour of law-breakers.

20. We, therefore, wish to make it very clear that if henceforth the Municipal Commissioners find that the workers or leaders of any particular political party have displayed illegal hoardings, the Commissioners or the Officers empowered to grant permissions will have to exercise discretion against the said political parties, thereby declining to grant permissions. The Commissioners of the Municipal Corporations or the Officers authorized to deal with such applications will be justified in exercising their discretion against party workers, party leader or political parties.

21. The learned senior counsel representing MNS, as an Officer of the Court, made one suggestion. He pointed out that the action of display of illegal hoardings is carried out late in the night or early in the morning. He submitted that, therefore, a direction can be

issued to the Police to conduct patrolling for the purposes of ensuring that such illegal actions are prevented. However, we find that in clause (g) of paragraph 28 of the order dated 6th August 2014 such a direction has already been issued to the Police Commissioners or Superintendent of Police, as the case may be. Clause (g) of the order dated 6th August 2014 read thus:

“g) The Commissioner of police or the Superintendent of Police, as the case may be, shall issue directions to the concerned Police staff entrusted with the job of night patrolling including the beat marshals to keep a constant vigil for preventing the activity of erection/display of illegal hoardings, banners, flexes, temporary arches, posters etc during night time. Instructions shall be given to the said police officials to immediately register offences under the Defacement Act;”

22. The learned senior counsel representing the Mumbai Municipal Corporation stated that normally in every Ward at 8 o'clock in the morning the municipal staff starts the work of patrolling for the purposes of removal of illegal hoardings. He states that they are provided with vans. His suggestion was that a direction be issued to the State Government to ensure that two armed constables accompany the municipal staff in each Ward along with the van. The learned Additional Government Pleader has tendered a compilation containing an action taken report. The said compilation says that a total of 165 police personnel have been identified by the Commissioner of Police at Mumbai for assisting municipal officers for removing illegal hoardings. In fact, the correspondence which is a part of the compilation suggests that notwithstanding the availability of designated police personnel the

Ward Officers of the Municipal Corporation have been writing to the local police stations for grant of police protection. As 165 police personnel have already been designated in the City of Mumbai to assist the municipal administration for the work of removal of illegal hoardings, we propose to issue directions as per the suggestion made by the learned senior counsel representing the Mumbai Municipal Corporation.

23. From the photographs placed on record, it appears that the illegal hoardings were displayed on account of Ganapati or Navratri Festivals on the pandals or temporary booths or in the vicinity of such pandals or temporary booths. While granting permission for erecting temporary booths or pandals for the purposes of celebration of such religious functions, the Municipal Corporations must impose a condition that the display of any such illegal hoardings on or in the vicinity of the temporary pandals or booths is prohibited and is illegal, and that any such illegal hoardings found on such booths or pandals or in their vicinity will be taken down without notice. The condition to further state that apart from removal of hoardings, the permission will be liable to be cancelled on that ground.

24. During the course of submissions, on the basis of the suggestions made by this Court, the learned counsel representing the BJP stated that the party is in principle agreeable to nominate its own leaders or workers at the Ward Level who will be responsible for ensuring that party-workers do not put up illegal hoardings and to assist the municipal administration in removal of such illegal hoardings. The learned counsel representing the NCP stated that

due to various constraints the party will nominate one leader for each Corporation area. We accept the said statements made across the bar on instructions. We grant time of one month to the said two political parties to report compliance by filing Affidavits disclosing the details of the appointments made. We hope and trust that every political party will also follow the the example of said two political parties.

25. As disclosed in the Affidavits on record, the Grievance Redressal mechanism is in place at several Corporations and Municipal Councils. The mechanism consists of provision for accepting the complaints in traditional form in writing, accepting complaints by email and by SMS.

26. In Public Interest Litigation No. 71 of 2013 dealing with the issue of potholes in the major cities of the State, this Court has directed the Municipal Corporations to provide facilities of lodging complaints of poor condition of roads by uploading photographs on the dedicated websites of the respective Municipal Corporations. We propose to issue a similar direction in this case in addition to the facilities available for lodging the complaints. As directed in the said matter, the response of the Municipal Authorities will have to be uploaded on the very website within a stipulated time.

27. On an earlier occasion, this Court has issued a direction to give wide publicity to the provision of Grievance Redressal mechanism provided in different forms. We propose to direct all the Municipal Corporations to once again give wide publicity to the modes available for lodging complaints against illegal hoardings.

While giving publicity the members of the public should be informed that the website is available for lodging even anonymous complaints. Under the orders of this Court, Ward Level Committees have been ordered to be constituted. The Affidavits of compliance have been filed which shows that such Ward Level Committee have been constituted. However, it is necessary for the Municipal Corporations to ascertain whether the Ward Level Committees are functioning. If it is found that the Ward Level Committees are not working, the Municipal Corporation will have to take steps for reconstituting such Ward Level Committees. The Municipal Corporation shall take steps to notify the names, addresses and contact numbers of the Ward Level Committee members in every prominent location of each Ward local offices.

28. There is another grievance made on the basis of compilation tendered across the bar containing the reports of the Court Commissioners. It is pointed out that though the Court Commissioners have from time to time brought to the notice of the Municipal Commissioners or other Officers instances of illegal hoardings, not only is action not taken in many cases, but even the most basic courtesy is not extended by informing the Court Commissioners of the action taken on the basis of such complaints. The reports of the Court Commissioners also disclose that toll free numbers provided by some of the Municipal Corporations are either not functioning or there is no response to the complaints lodged on the toll free numbers. While stating that it is the obligation of every Municipal Authority to respond to the complaints filed by every individual, with some emphasis we must observe here that the members of the Bar who are appointed as

Court Commissioners are working as Officers of this Court and, therefore, the failure of Municipal Authorities to respond to the complaints made by the Court Commissioners will be a case of gross contempt of this Court. Therefore, all the Municipal Authorities are under an obligation to take action on the basis of the complaints submitted by the Court Commissioners and to report the action taken to the Court Commissioner within a period of seven days from the date on which such complaints are received from the Court Commissioner.

29. We have already made reference to the interim orders passed by this Court from time to time from 6th August 2014 onwards. Notwithstanding the said orders and notwithstanding the fact that the entire machinery at all levels is in place, we find that still there are large number of illegal hoardings displayed in the Municipal Corporation areas in the State. We are conscious of the fact that the learned senior counsel appearing for the Mumbai Municipal Corporation has tendered across the bar a chart showing that within a span of six months more than 3,000 illegal hoardings have been removed. But from the photographs on record perhaps the action taken is not enough. We, therefore, propose to direct all the Municipal Corporations which are parties to the Petitions to conduct a special drive for removal of illegal hoardings in the City. The special drive should continue till 26th January 2016. The object of the special drive is that as on 26th January 2016 not a single illegal hoarding should be seen in all the Municipal Corporation areas. This is possibly the most fitting and appropriate way to commemorate our Republic Day, one that is of particular significance in our Constitutional framework. It is ironic that the

very political parties guilty of the illegalities we have referenced themselves exist only under our Constitution and the laws framed thereunder. A demonstration by these political parties of their fidelity to the law would be a more appropriate way to commemorate Republic Day than continuing to erect illegal hoardings.

30. The directions which we propose to pass of wide publicity of the availability of Grievance Redressal mechanism and to take cognizance of the complaints made by the Court Commissioners are meant to ensure that the special drive is successful.

31. We also propose to issue notices to all the political parties who are parties to the Petition but who have not chosen to appear before the Court with a view to give them an opportunity to appear before the Court and to give an assurance to the Court to actively assist all the Municipal Corporations to ensure that no illegal hoarding are displayed.

32. For the reasons which we have recorded above, we direct the Registry to issue notice to the following persons on the addresses mentioned in the chart.

Sr. No.	Name and address of the person
1.	Mr. Ashish Shelar
2.	Anjali Gurav, 187, Soma House, 2nd Floor, Near Shankar Gym, Dandpada, Khar (West), Mumbai – 400 052.
3.	Naval Shevale,

	D/8, King Akers, Tagore Road, Santacruz (West), Mumbai - 400 054
4.	Susham Shevale, D/8, King Akers, Tagore Road, Santacruz (West), Mumbai - 400 054
5.	Kedar Kulpe, 15 A Krishna Bhuvan, 2nd Hasnabad Lane, Santacruz (W), Mumbai - 400 054.
6.	Manish Shah, 16/Navin Nagar No. 1, Chapel Lane, Santacruz (W), Mumbai - 400 054
7.	Paresh Shah, Modi Chawl, Station Road, Opp. Seasons & Raymond showroom, Santacruz (West), Mumbai - 400 054
8.	Arnav Joshi, 1, Krishna Villa, Chapel Lane, Behind Raas Showroom, Santacruz (West), Mumbai - 400 054.
9.	Viral Shastri, 6, Modi Chawl, Station Road, Opp. Seasons Showrooms, Santacruz (W), Mumbai - 400 054.
10.	Parag Madhusudan Alvani, 901, 9th Floor, Shree Vidya Vihar, Happy Homes Society, Nehru Road, Near Western Express Highway, Vile Parle (East), Mumbai - 400 057.
11.	Hemang Jagla, 505, Raj Niketan, Bapubhai Vashi Road, Vile Parle (West), Mumbai - 400 056.
12.	Mukesh L. Trivedi, 513, Thakur Charan Dham Society, Shivaji Nagar, Behind Jivan Vikas Kendra Hospital, Sahar Road, Andheri (East), Mumbai - 400 069.
13.	Bimal Bhuta, B/304, Parekh Apartments, Sarojini Road, Vile Parle (West), Mumbai - 400 056.
14.	Nilesh Galiya,

	Room No. 1, Old Manu Bhuvan, Bhagatsingh Road, Vile Parle (West), Mumbai – 400 056.
15.	Rajesh Mehta, A/3, Shantiniketan Building, Lallubhai Park, Road No. 2, Oppl. Sardar Patel Garden, Andheri (West), Mumbai – 400 058.
16.	Mr. Sanjay Adivarekar,
17.	Mr. Harish Katale,
18.	Mr. Sachin Gunjal,

The notices will be issued as a *prima facie* case is made out of the said persons committing wilful breach of the interim orders passed by this Court from time to time and the undertakings given on their behalf by office-bearers of their political parties. The notices will be issued under Rule 9(1) of the Contempt of Court (Bombay High Court) Rules, 1994, returnable on 8th January 2016. The notices be issued through the Commissioner of Police, Mumbai. The Office of the Commissioner of Police shall ascertain the addresses of the persons at Serial Nos. 15 to 17.

33. We direct the Registry to issue fresh notices of these Petitions to the other political parties, namely, Indian National Congress, Shivsena, Republican Party of India (Athavale Group) and the Bahujan Samaj Party, returnable on 8th January 2016.

34. We direct the representatives of the aforesaid political parties to file Affidavits making their stand very clear. The Affidavits must state whether the said political parties are willing to give undertakings in terms of the undertakings given by the three political parties, namely, BJP, MNS and NCP and whether they are willing to appoint their own party-workers/office-bearers to

cooperate with the Municipal Authorities at every Ward Level for removal of illegal hoardings.

35. We may note here that even if the political parties to whom notices are issued do not choose to appear or if they appear and decline to give undertakings, it is obvious that action of contempt will have to be initiated against the leaders and workers of the said political parties as well if we find that after issuing of fresh notices that they have continued to display illegal hoardings. We may make this aspect very clear that as the political leaders and workers of the said parties are fully aware of the orders of this Court. By issuing fresh notices, though this Court is under no obligation to issue fresh notices to them, we are only extending to them a courtesy that is, in our view, today almost entirely undeserved.

36. In addition to the interim directions issued by this Court, we issue further interim directions:

(a) In addition to the Grievance Redressal mechanism which is already made available by the Municipal Corporations and by the State Government, all Municipal Corporations shall provide a facility of lodging complaints regarding illegal hoardings by uploading photographs of the illegal hoardings on the dedicated websites of the respective Municipal Corporation;

(b) A provision should also be made available for ensuring that the responses/Action Taken Reports of the

Municipal Authority are uploaded on the very websites within the stipulated time, not later than a period of seven days from the date of receipt of the complaint.

- (c) We grant time to all the Municipal Corporations to provide this facility till 8th January 2016;
- (d) We direct all the Municipal Corporations to give wide publicity of the details of the Grievance Redressal Mechanism already made available and the mechanism proposed to be made available. The publicity shall be given in leading newspapers as well as on television channels. They shall endeavour to give publicity in cinema houses as well as on various FM channels. This direction shall also be complied with on or before 8th January 2016.
- (e) We direct the Commissioner of Police, Mumbai to make available services of two armed constables every day to the concerned Nodal Officer of every Ward in the City of Mumbai. The armed police constables shall be instructed to accompany the Municipal team which starts work of removal of illegal hoardings at 8.00 a.m. every day;
- (f) We make it clear that the directions issued by this Court from time to time are also applicable to the hoardings displayed without permission on temporary

booths/pandals permitted to be erected by the Municipal Corporations for celebrating all religious festivals, including Ganapati and Navratri. The orders also apply to illegal hoardings erected within the vicinity of such temporary booths/pandals. While granting permission to erect such temporary booths/pandals, a condition shall be incorporated by all the Municipal Corporations that the permission holder shall not display any illegal hoarding on or in the vicinity of such temporary booth or pandal and that any such illegal hoarding found will be removed or taken down without notice. Moreover, the permissions are liable to be cancelled on account of such breaches;

- (g) If the Municipal Commissioners or the Municipal Officers who are empowered to exercise powers under Sections 328 and 328A of the said Act of 1888 and Sections 244 and 245 of the said Act of 1949 hereafter find that the workers/office bearers of any particular political party has indulged in display of illegal hoardings, they shall exercise their discretion under the aforesaid provisions by refusing to grant permission under the aforesaid statutory provisions to such political parties or to the leaders or workers of political parties to erect hoardings in the particular city;
- (h) We direct the Municipal Authorities to ensure that the complaints made by the Court Commissioners

appointed by this Court are attended to promptly and within 72 hours from the time of which the complaints are received. We direct the Municipal Authorities to ensure that a reply issued to the Court Commissioner containing action taken report which can be sent by way of written communication or by email. We make it clear that failure of the Municipal Authorities to act upon the complaints/report submitted by the Court Commissioner will amount to gross breach of the orders passed by this Court from time to time;

- (i) We direct all the Municipal Corporations to conduct a special drive and campaign for removal of illegal hoardings within their jurisdiction. The special drive shall commence from Saturday 5th December 2015 and, for the present, continue till 26th January 2016. The object of the special drive is to ensure that by 26th January 2016 all Corporation areas are entirely free of illegal hoardings. We expect that all the Municipal Authorities shall ensure that there is no occasion to remove illegal hoarding as on 26th January 2016. We, however, hasten to add that though the period of special drive shall end on 26th January 2016, even thereafter all the Municipal Authorities are bound to implement the directions of this Court thereafter regularly and scrupulously;
- (j) In the event the Municipal Corporations find that they need adequate police support for implementation of

the special drive, they are free to move the Court for seeking appropriate directions;

- (k) For considering the show-cause notices issued and for considering compliances to be made by the political parties as well as for considering compliances made by the Municipal Corporations, the Petition shall be listed on 8th January 2016. Compliance Affidavit shall be filed by the Municipal Corporations on or before 6th January 2016;
- (l) As directed earlier, the Director of the Municipal Administration of the State Government shall issue appropriate directions to all the Municipal Councils in the State in terms of these interim directions issued by this Court;

37. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)

(A.S. OKA, J.)