

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

Writ Petition No.1782 of 2013

Clear Channel Mumbai Pvt. Ltd. and anr.

..Petitioners.

vs.

Municipal Corporation of Gr. Mumbai and anr.

..Respondents.

Mr.Ranbir Singh u/by M/s. Prakash & Co. for the Petitioners.

Mrs. Shobha Ajitkumar for the Respondent BMC.

**CORAM : A.S.OKA AND
C.V. BHADANG, JJ.**

DATE : 6th May , 2015

PC:

We have perused the affidavit in reply of Shri. D.R. Nalawade, Senior Inspector of the concerned Ward of the Mumbai Municipal Corporation. In Clause J of Paragraph 4 of the affidavit it is stated that by an order dated 16 August 2013, the Additional Municipal Commissioner (City) directed the Deputy Municipal Commissioner, Zone II to recall the orders passed without hearing the advertiser and directed the Deputy Municipal Commissioner Zone II to give hearing . Clause J of the said affidavit reads thus:

“J) I say that subsequently order dated 16.08.2013 have been issued by the A.M.C. City thereby directing the D.M.C. Zone II to recall the orders which were passed without hearing the

advertiser and directing the D.M.C. Zone II to give hearing where ever hearing have not been given before the passing of the order. In the petitioners' case, order was passed but no hearing was given by the D.M.C. Zone II. Before these respondents could act upon the aforesaid order, the petitioner approached this Hon'ble Court by filings the present petition. I crave leave to refer to and rely upon the order dated 16.8.2013 as and when produced”.

Clause-J suggests that a direction was issued by the Additional Municipal Corporation to withdraw the impugned orders at Exhibits A-1 to A-3. In fact, the contention raised by the Municipal Corporation in the same affidavit is that before that action could be taken, the present petition has been filed.

3) The learned counsel appearing for the Municipal Corporation states that if this Court passes a direction to that effect, the Deputy Municipal Commissioner (Special) shall hear the petitioners and pass fresh orders.

4) In view of the stand taken in the affidavit in reply, prayer clause (a) is worked out. The learned counsel appearing for the petitioners is not pressing prayer clause (b).

5) Accordingly, we dispose of the petition by passing the following order.

- a) The impugned orders at Exhibit-A-1 to A-3 are hereby quashed and set aside;
- b) It will be open to the Deputy Municipal Commissioner (Special) to give an opportunity of being heard to the petitioners and to pass fresh orders in connection with advertisement hoardings/gantries subject matter of this petition;
- c) All contentions on merits are kept open;
- d) Petition is disposed of on the above terms.

(C.V. BHADANG, J.)

(A.S. OKA, J.)