

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.3001 OF 2015
WITH
WRIT PETITION (L) NO.3014 OF 2015

WP(L) NO.3001 OF 2015

Sheen Ads.	..	Petitioner
Vs		
The Municipal Corporation of Brihan Mumbai and Others.	..	Respondents
—		

WP(L) NO.3014 OF 2015

Vantageads.	..	Petitioner
Vs		
The Municipal Corporation of BrihanMumbai and Others.	..	Respondents
—		

Shri Mayur Khandeparkar i/b Kishore Maru for the Petitioners.
Shri Viniod Mahadik for the Respondent Nos.1 to 4.
Shri Shriram Manjrekar, Senior Inspector (Licence) present.

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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 27TH OCTOBER 2015

PC.

. Heard the learned counsel appearing for the Petitioners and
the learned counsel appearing for the Respondents. Considering the
narrow controversy involved in both these Petitions, forthwith taken up
for final disposal.

2. In Writ Petition (Lodging) No.3001 of 2015, there were two separate Applications made by the Petitioners for renewal of the permits for displaying the advertisement hoardings. By communications dated 14th February 2014, the said Applications for renewal of permits were rejected and the consequential agreement was revoked and cancelled. The said order was passed on the basis of the deficiencies set out in the said orders. The Petitioners preferred First and Second Appeals against the said orders. The Appeals were dismissed.

3. The submission of the learned counsel appearing for the Petitioners is that all the deficiencies were cleared by the Petitioners except for obtaining No Objection Certificate from the Maharashtra Coastal Zone Management Authority (for short "MCZMA"). He submits that subsequently the No Objection Certificate was issued by the MCZMA.

4. The learned counsel appearing for the Mumbai Municipal Corporation on instructions of Shri Shriram Manjrekar, Senior Inspector (Licence) states that save and except the objection regarding failure to produce No Objection Certificate of the MCZMA, all other objections and deficiencies have been rectified by the Petitioners.

5. Even in the Writ Petition (L) No.3014 of 2015, the Petitioners made an Application for renewal of permit for displaying advertisement hoardings. The said Application for renewal of permit for displaying advertisement hoardings was rejected and even the first and the second Appellate Authorities have confirmed the said orders. In this case also, it is an admitted position that save and except the objection regarding No Objection Certificate by the MCZMA, all other objections/deficiencies have been complied with by the Petitioners.

6. In view of this admitted position, we dispose of both the Petitions by passing the following order.

ORDER :

- (a) The impugned orders passed by the Licensing Authority, the First Appellate Authority and the Second Appellate Authority are hereby set aside;
- (b) We direct the Petitioners to appear before the Deputy Municipal Commissioner (Zone-IV) on 5th November 2015 at 11.00 a.m.;

- (c) The Petitioners shall produce original No Objection Certificates received from the Maharashtra Coastal Zone Management Authority before the said officer on that date;
- (d) After considering the original No Objection Certificates, the Deputy Municipal Commissioner (Zone-IV) shall pass appropriate orders on the Applications made by the Petitioners for renewal of permits. The orders shall be passed as expeditiously as possible and in any even, within a period of two weeks from 5th November 2015;
- (e) The orders passed on the said Applications by the Deputy Municipal Commissioner (Zone-IV) shall be communicated to the Petitioners;
- (f) Till the date of communication of the orders, the subject hoardings of the Petitioners shall not be removed subject to condition that the advertisement shall not be displayed till the date of grant of renewal of permits;

- (g) If the orders passed by the Deputy Municipal Commissioner (Zone-IV) be adverse to the Petitioners, the aforesaid protection shall continue to operate for a period of two weeks from the date on which the orders are communicated to the Petitioners;
- (h) The Petitions are disposed of on above terms.

(V.L. ACHLIYA, J)

(A.S. OKA, J)