

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO. 17995 OF 2017
WITH
CIVIL APPLICATION (ST) NO. 17997 OF 2017**

Madanmohan Chandrabhan Gupta	...Appellant
<i>Versus</i>	
The Municipal Corporation of Brihanmumbai	...Respondent

Mr Navin Parekh, i/b Ms Hetal Patel, for the Appellant.
Mr F Reis, Senior Advocate, with Mrs Madhuri More, for the
Respondent/MCGM.

CORAM: G.S. PATEL, J
DATED: 4th July 2017

PC:-

1. The following order will dispose of the Appeal, the Civil Application and indeed the suit itself. Parties are agreed that no reasons are necessary.

2. The Appellants have two hoardings or billboards at Wilson College Gymkhana on Marine Drive. These hoardings are so set up that one is above the other. Each is 20 ft. X 40 ft.

3. There is a change in applicable policies. For the present purposes, what this requires is that all billboards be of a standardised 20 ft. X 20 ft. size. The policy also does not permit one hoarding to be mounted or positioned on top of or above another hoarding. I will leave aside for the present and for the purposes of this order all questions about the area being declared a Heritage Vincent since that is still under consideration in various other proceedings pending in this Court.

4. The Appellants agree to change the configuration and sizes of their hoardings to bring them into conformity with the applicable guidelines, policy and rules, that is to say each hoarding will be of 20 ft. X 20 ft.; there will be no upper hoarding or any hoarding one above another. The Appellants may have two hoardings arranged so that they are back-to-back. This is said by the MCGM to be specifically permissible under the guidelines. Mr Reis on instructions states that if sought there will be no difficulty in granting such a permission subject to payment of all fees, costs, taxes and charges. In accordance with the usual practice, the Appellants will have to provide the necessary sketch or diagram for approval of the MCGM.

5. At the Appellants' request, time to rectify the hoardings to bring them into compliance is extended till 4th August 2017. It is once again clarified that there is to be at that level only one hoarding of 20 ft. X 20 ft. dimension; the second hoarding may, if permission is sought, and if sought, which will be granted subject to all necessary clearances, payments, undertakings, etc., be placed

behind the first so that the two hoardings are not one above the other but are back-to-back.

6. There will be no extension of this time for any purposes. It goes without saying that this order does not absolve the Appellants from liability to pay property taxes and other required outgoings and charges.

7. The Appeal and the Civil Application are disposed of in these terms.

8. At this stage Mr Parekh states that this order will dispose of the Suit itself. The Suit is by consent withdrawn to Court and is dismissed of as withdrawn. Parties will appear before the Trial Court on 11th July 2017 with an authenticated copy of this order. The Trial Court will pass a formal order permitting the withdrawal of the Suit. That order will count towards the disposal of the Trial Court.

9. The Notice of Motion will therefore be infructuous and will also be disposed of accordingly, and that disposal will also be reckoned to the Trial Court's disposal count.

(G. S. PATEL, J.)