

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 975 of 2017

Date of Decision: 30.11.2017

Number One Advertisement and Marketing Company, New Delhi

...Petitioner

VS.

The Northern Railways, DRM Office, Ambala Cantonment, Ambala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Arun Dogra, Advocate,
 for the petitioner.

 Mr. D.K. Sinagl, Advocate,
 for respondent No. 2.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the information supplied by the Northern Railways vide its letter dated 23.11.2016 that in view of the order passed by the High Court, the advertisement should not be allowed without the permission of the concerned authorities, namely, the Cantonment Board and National Highway Authority of India (NHAI). The petitioner was duly informed that Municipal Corporation, Ambala City has granted NOC of the contract but NHAI has denied the permission and informed that the unipoles could not be located at that point due to safety point of view of the Highway users .

Learned counsel for the petitioner has fairly submitted that the petitioner had earlier filed a writ petition bearing No. CWP No. 3621 of 2014 which was disposed of on 11.07.2014 in which the petitioner had agreed that if the contract, which was cancelled, is restored by the Northern Railways, then the advertisement shall not be put up without the permission of the

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concerned authorities i.e. the Cantonment Board and NHAI. The exact text of the order would read as under: -

“Counsel for the Northern Railways submits that after due consideration of the affidavits filed by the petitioner, a fresh order would be passed, relating to cancellation of the petitioner’s contract, in accordance with law, within four weeks from today.

Counsel for the parties agree that in the eventuality of the contract being restored, advertisement shall not be put up with permission of the concerned authorities namely the Cantonment Board and the National Highways Authority of India.

Counsel for the petitioner states that in view of the aforesaid statement and agreement, the writ petition may be dismissed as not pressed.”

Learned counsel for the petitioner also submitted that NHAI has no right to object or that the petitioners is not required to obtain NOC from NHAI for putting up the advertisement.

Be that as it may, once there is an order passed by this Court that too on the concession given by the petitioner that in case the contract is restored by the Northern Railways then they would not put up the advertisement on the unipoles without the permission of the Cantonment Board/NHAI, the said order would bind the petitioner and in case the petitioner wanted to wriggle out of that statement made before this Court in the aforesaid case, the only course open to it to file an appropriate application in the said petition but there is no merit in the present petition and hence, the same is hereby dismissed, though without any order as to cost.

November 30, 2017

Suresh Kumar

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No