

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 187 OF 2010

Vishnu D.Barve .. Petitioner
Vs.
The State of Maharashtra and anr. .. Respondents

Mr.Uday P. Warunjikar, for the Petitioner.
Ms.Nisha Mehra, AGP for Respondent No.1 – State.
Mr.N.V.Walawalkar I/b Mr.G.H. Keluskar, for Respondent No.2.

**CORAM : NARESH H. PATIL, CHIEF JUSTICE &
M.S.KARNIK, J.**

DATE : 29th NOVEMBER, 2018

P.C. :

. In this PIL the Petitioner has raised an issue in respect of a photograph of the Commissioner of Sangli-Miraj, Kupwad Municipal Corporation prominently appearing on the banner which was seen on conspicuous part of the public road. This according to the Petitioner is not permissible in law. Accordingly, the Petitioner made a representation in the year 2008 to the State Government. The Petitioner was constrained to file this PIL as he was not satisfied with the action taken and as an important question of public interest is involved.

2. The Deputy Secretary to the Government of Maharashtra, Urban Development Department - Shri Anandrao Shrawan Jiwane filed affidavit-in-reply in the year 2009. The deponent states as under :

“ I say that I am filing this short Affidavit for the purpose of opposing the writ petition and I crave to leave to reserve my right to file further Affidavit as and when required.

I say that the main contention raised in the petition is that the photograph of the erstwhile Commissioner of Sangli-Miraj-Kupwad Municipal Corporation, Shri Bajirao Jadhav, (the word 'erstwhile' is used because he is now transferred) had appeared on the banners/hoardings displayed in the city of Sangli, put up by a political party or same social organisations and that representations in this regard have been made to Government etc.

I submit that I may kindly be allowed to make my submissions in respect of the main issues rather than Parawise submission.

I say that on receiving complaints in this regard, the say of the petitioner no.2 herein, was obtained.

I say that the Respondent No.2 has explained to the Respondent, Government that the banner put up by one Shiv Abhinandan Maratha Seva Sangh, purportedly expressing congratulations to the Mayor

and the Respondent No.2, was put up by the said organisation without seeking consent and without even informing the Respondent No.2 and that on the said banner coming to his notice, he promptly took action to remove all such banners wherever they were found. He further submitted to the Government that he never gave any permission whosoever to display his name or photo on any banner, hoarding etc. and that if some banners were displayed, with his photo and name that was done without his knowledge, and that on coming to his notice such banners were removed.”

3. Respondent No.2 filed affidavit wherein in paragraph 4, he states as under :

“With reference to paragraph No. 6 of the petition, I deny that the truth and correctness of the statement made therein. I say that the contentions made in this paragraph are made by the petitioner with ulterior motive to prejudice the opinion of this Hon'ble Court about me. The hoarding placed by the Shiv Abhinandan Maratha Seva Sanstha in Rajwada Chowk, congratulating the Mayor and Commissioner for making Sangli City clean and decorative with their photograph was without written or oral permission from the Commissioner or Municipal Corporation. The said hoarding was put up without obtaining permission

of the concerned department of the Municipal Corporation. When this fact was brought to my notice and Municipal Corporation, the action of removing the said hoarding was taken immediately and this fact was informed to the Desk Officer, Urban Development Department, Mantralaya, Mumbai vide letter No. MNP/MLV/59/2008-09 dated 08.07.2008. I further say that the petitioner has filed Appeal No. 18 of 2008 before the Sangli Miraj Kupwad City Municipal Corporation under the Right to Information Act. Before that, all information relating to that has been given by Sangli Miraj Kupwad City Municipal Corporation to the petitioner. In the said appeal, Respondent No.2 i.e. myself gave my decision on 26.03.2008 and in that decision, I have clearly directed that the concerned officers should remove all boards because there is a resolution that no board should be published at Rajwada Chowk. It was also directed that the Property Manager should personally inspect and remove the boards if any are in existence at Rajwada Chowk immediately. All boards in the Rajwada Chowk were removed and information to that regard has been submitted vide letter dated 20.10.2008 addressed by the Information Officer and Asst. Commissioner of the Corporation to Commissioner, State Information Commissioner, Bench Pune, in the matter of Second appeal. Though the Petitioner was aware of the above

fact, he has purposely avoided to mention these facts in his above mentioned petition. In view of the said facts it is clear that the petitioner has filed the said petition with ulterior motive to harass me.”

4. We have heard learned Counsel appearing for the Petitioner and Respondents. Perused the record placed before us. The stand of the Respondent No.2 is that his photograph is displayed without his permission and knowledge. He submits that when this fact was brought to his knowledge, action of removing the same was taken immediately. The stand of Respondent No.2 is adopted by the State.

5. We are satisfied with the stand of the Respondent No.2 which is also adopted by the State. We also note that the issue raised in this Public Interest Litigation is almost 10 years old. The Public Interest Litigation is accordingly disposed of.

(M.S.KARNIK, J.)

(CHIEF JUSTICE)