

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6066 OF 2018

Sutradhar Media Pvt.Ltd. ... Petitioner.
V/s.
State of Maharashtra and another. ... Respondents.

Mr.Mayur Khandeparkar i/b. Mr.Rajesh O. Gupta for the petitioner.
Mrs.R.A.Salunkhe, AGP for respondent No.1.
Mr.Sandeep V. Marne for respondent No.2.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 13th June 2018.

PC.:

Not on board. Taken up on board.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the second respondent. The learned AGP represents the first respondent. The learned counsel appearing for the petitioner has tendered an affidavit-cum-undertaking of one Vikrant Sakhalkar who is an authorized representative of the petitioner. In the affidavit, it is stated that the petitioner will make an application/representation to the second respondent within a period of ten days from today for renewal of the licence. The undertaking given on behalf of the petitioner- Company is incorporated in paragraph-5 of the affidavit. It is in the light of the undertaking that a limited protection deserves to be granted to the petitioner. Accordingly we pass the following order:

- (i) It will be open for the petitioner to make an application/ representation to the second respondent- Municipal Corporation within a period of ten days from today for renewal of the licence in respect of infrastructure erected to display hoardings and advertisements. If such an application is made, the second respondent shall decide the same in accordance with law as expeditiously as possible and, in any event, within a period of six weeks from the date of making the application. It will be open for the second respondent to call the representative of the petitioner for personal hearing before deciding the application/ representation;
- (ii) Till the date of communication of the order passed on the application/ representation to the petitioner, the infrastructure erected by the petitioner for display of hoardings and advertisements shall not be removed by the second respondent, subject to condition that the petitioner shall not display any hoarding/ advertisement on the said infrastructure;
- (iii) If the application/ representation of the petitioner is rejected, the aforesaid protection shall continue to operate for a period of three weeks from the date on which the communication of rejection is served on the petitioner. Needless to add that the second respondent shall pass a speaking order on the

application/ representation which may be made by the petitioner;

- (iv) In the event the application/ representation is rejected and the petitioner fails to remove the infrastructure in terms of the undertaking in paragraph-5 of the affidavit which is accepted, it will be open for the second respondent to remove the same without any further notice to the petitioner on expiry of the period of three weeks from the date of communication of rejection;
- (v) All contentions on merits are kept open;
- (vi) Writ petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)