

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO.2078 OF 2015

IN

SUIT NO.3722 OF 2002

The Municipal Corporation of
Greater Mumbai

... Applicant/Defendant

Versus

Mr. Dhananjay Padmanab Bhat

... Respondent/Plaintiff

.....

Mr. Abhijeet J. Kandarkar for the Applicant/Defendant-MCGM.

....

CORAM : S.C.GUPTE, J.

DATE : 5 APRIL 2018

P.C. :

. This Notice of Motion is taken out by the Defendant-MCGM. On last three occasions, none appeared for the Plaintiff-Respondent. Even today, none appears for the Plaintiff-Respondent. This Suit concerns a hording put up by the Plaintiff. By an order dated 31 May 2002 and notice dated 8 July 2002 issued in pursuance thereof, the licence of the Plaintiff to put up the hoarding was terminated and the Plaintiff was directed to remove the hoarding. This order has been challenged in the present suit. During the pendency of the suit, this Court, by its order dated 30 July 2012 passed in Writ Petition No.1132 of 2002, laid down various modalities for processing applications for renewal of licence for display of hoardings/sky signs. All the existing hoardings/sky signs were required to apply for renewal of the licence for a priod of two years on or before 31 August 2012. Their

applications were directed to be considered and decided on or before 31 December 2012. This period was later extended upto 31 March 2015. In pursuance of these directions, the Plaintiff made an application for renewal of hoarding licence. The site was inspected by the concerned officials of MCGM and some deficiencies, which offended policy guidelines in this behalf, were noted. The Plaintiff was thereafter heard personally by the concerned authority. By a detailed order passed on 30 March 2015, the Plaintiff's application for renewal of the hoarding licence was rejected by Deputy Municipal Corporation (Special). It is not known, whether the Plaintiff has carried this order further in appeal. There is, however, a provision for appeal framed in this behalf. In the premises, the original cause of action and the relief claimed on the basis thereof, namely, declaration and perpetual injunction restraining the MCGM from demolishing or pulling down the suit hoarding, is rendered infructuous. The Notice of Motion, accordingly, seeks dismissal of the suit pursuant to the order dated 30 July 2012 passed in Writ Petition No.1132 of 2002.

2 It is clear from the perusal of the order of this Court passed in Writ Petition No.1132 of 2002, and the policy guidelines framed in this behalf, referred to in the affidavit in support of the notice of motion, that suit the is rendered completely infructuous. The Plaintiff-Respondent does not join issue with this application. There is no reply to the notice of motion. Accordingly, the Notice of Motion is made absolute in terms of prayer clause -(a). The Suit is dismissed as infructuous.

3 No order as to costs.

(S.C. GUPTE, J.)