

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1632 OF 2019**

Raj Publicity

...Petitioner

Versus

The Commissioner of Police & Ors

...Respondents

Mr Akshay Pawar, *for the Petitioner.*

Ms PH Kantharia, GP, *with Ms Deepali Patankar, Honorary
Assistant to GP, for the Respondent-State.*

Mr Anoop Patil, *with Ms Rupali Adhate, for MCGM.*

Mr Suhas Shinde, *Lic. Inspector, K/West Ward, present.*

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**

DATED: 4th June 2019

PC:-

1. Mentioned. Not on board. Taken upon board on urgency.
2. Heard both sides. It is the order of Joint Commissioner of Police (Traffic) which is impugned in this Writ Petition. The Joint Commissioner is of the view that the hoarding structure of the Petitioner is within the cone of vision and at a specific location near the Juhu 10th Road and Gulmohur Road junction at Juhu. In other

words, it is at a signal junction within close proximity to the roadline. The Joint Commissioner says that the hoarding should not be illuminated in late evening and at night. This will obstruct the smooth flow of traffic and possibly lead to accidents.

3. He has therefore made a recommendation to the Municipal Corporation of Greater Mumbai to revoke the licence. He has also stopped illumination of the hoarding.

4. The apprehension is that acting on the Joint Commissioner's recommendations the Municipal Corporation will remove the hoarding without compliance with the procedure prescribed in law.

5. We have taken care of that apprehension as we have noticed that the Municipal Corporation's Advocate is present in Court along with the official. He has instructions to state that though the Show Cause Notice has been issued to the Petitioners and they might not have received it, still, until the Show Cause Notice is duly served, an explanation is given to the allegations contained therein within the time prescribed therein, if the explanation is given and a personal hearing is sought then until that stage is reached so also

until a reasoned order is passed, no coercive action is going to be taken by the Municipal Commissioner or Municipal Corporation of Greater Mumbai. If the apprehension of the Petitioner that the hoarding would be removed forthwith and without following the procedure prescribed in law, is taken care of, then, nothing survives in this Writ Petition. We do not allow the Petitioner to illuminate the hoarding and it should abide by the directions issued by the Joint Commissioner in the impugned order. Besides that we do not find any reason to interfere with the order of the Joint Commissioner for he has found the hoarding to be erected at a location which is prohibited in terms of the policy and in the larger interest of pedestrian and motorist safety. However, his recommendation and the reasons for the same would also be taken into consideration by the Municipal Corporation and it will independently come to a conclusion whether the hoarding license should be revoked or not.

6. In the circumstances, without expressing any opinion on the contentions raised before us as far as on merits are concerned, we dispose of this Petition.

7. Presently, we are not concerned with any relief in terms of prayer clause (b) of this Petition. The reliefs under prayer clause (b) can be sought at an appropriate stage if sufficient cause is made out.

(G. S. PATEL, J)

(S. C. DHARMADHIKARI, J)