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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1209/2019**

MR. ABDUL SHARIQ NIZAMI

..... Petitioner

Through : Mr.Anirudh Bakhru and Mr.Ayush
Puri, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through : Mr.Harsha Peechara, ASC with
Mr.Ashish Tiwari, Ms.Gauri P.Desai
and Ms.Kirti Sinha, Advocates

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **07.02.2019**

CM Appl. No. 5471-5472/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 1209/2019, CM Appl. No. 5470/2019

This petition challenges the impugned letters of refusal dated 13.08.2018 and 07.09.2018 issued by Joint Director (Enforcement) as illegal and arbitrary. The petitioner filed the letters dated 27.03.2018 and 20.08.2018 seeking permission for display advertisements over a public amenity in the form of drinking water facility. It is submitted such applications were rejected under S.No.1.6.iv. of Delhi Outdoor Advertising Policy, 2017. It is submitted by learned counsel for the petitioner his case is not covered under the said category and instead the application was moved under category 2.2 of the Delhi Outdoor Advertisement Policy, 2017. The categorisation under the Policy are as under :-

Category 1 : Large-format advertisements, mainly fixed on billboards/Unipoles/Bipoles/Variable Message advertising device such as LED, LCD Screens etc./and bridge/flyover panels etc;

Category 2 : Advertisements mounted on public amenities, like public toilets, garbage collection points/Flag Signs etc;

Category 3 : Fleets and transport related infrastructure;

Category 4 : Advertisement devices for self-advertising in commercial areas

Learned counsel for the petitioner has also taken me to summary of category 2 devices viz.

6.2 Summary of Category-2 devices

<i>S. No.</i>	<i>Description of device</i>	<i>Status</i>
		<i>Permitted subject to General and Specific Permission Criteria</i>
<i>2.1</i>	<i>Public amenity mounted devices: Garbage and toilet facilities</i>	<i>Permitted</i>
<i>2.2</i>	<i>Devices Mounted on Service Oriented facility</i>	<i>Permitted</i>
<i>2.3</i>	<i>Devices mounted on Roadside kiosks</i>	<i>Permitted</i>
<i>2.4</i>	<i>Devices along with Information for public</i>	<i>Permitted</i>

Learned counsel for the petitioner has taken me to specific conditions and provisions : Category 2 :

7.2 Specific conditions and provisions : Category 2

<i>S.No.</i>	<i>Type</i>	<i>General description</i>	<i>Specific parameters</i>
<i>2.2</i>	<i>Devices mounted On service oriented Facility</i>	<i>Drinking water, kiosk outside colony to facilitate payment of bills/etc. (G2C kiosk)</i>	<i><70% of the visible area to Public</i>

It is submitted by learned counsel for the petitioner that a bare

perusal of the refusal letter would reveal it was complete non-application of mind as it did not decide if the petitioner's case is covered under category 1.6.iv. or under category 2.2.

Hence at this stage the petitioner requests his representation made on 13.09.2018 be considered by the respondent. Further the petitioner would also file the location chart of the subject facility and on his so filing, the representation dated 13.09.2018 be disposed of by reasoned/speaking order within three weeks thereof.

The petition along with application, if any, stands disposed of.

Order *dasti* under signature of the Court Master.

YOGESH KHANNA, J.

FEBRUARY 07, 2019

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