

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.17195 OF 2022
IN
PUBLIC INTEREST LITIGATION NO.35 OF 2019

OMPRAKASH MOTILAL VERMA
(SINCE DECEASED THROUGH HIS L.RS.)
MANOJ KUMAR OMPRAKASH VERMA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
PUBLIC INTEREST LITIGATION NO.35 OF 2019

OMPRAKASH MOTILAL VARMA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
SUO MOTO PUBLIC INTEREST LITIGATION NO.65 OF
2011

THE REGISTRAR, HIGH COURT OF BOMBAY, BENCH AT
AURANGABAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the PIL Petitioner : Shri Ajinkya Kale i/by Shri S.B.
Talekar

AGP for Respondents 1 and 3 /State : Shri V.M. Kagne
Advocate for Respondent 2/AMC : Shri Sambhaji S. Tope

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 18th January, 2023

Per Court :-

(a) Civil Application No.17195/2022 :-

1. Since the PIL petitioner in PIL No.35/2019 has passed away, his legal heir has filed this application seeking leave to be brought on record as the legal heir of the deceased petitioner.

2. Considering the submissions of the learned advocates for the respective sides and for the reasons set out, the Civil Application is allowed. Let the necessary amendment be carried out within one week.

(b) PIL Nos.35/19 & 65/11 :-

3. Shri Tope, the learned advocate representing the Aurangabad Municipal Corporation, submits that the order of this Court directing the filing of an affidavit has been complied with by filing an affidavit in PIL No.35/2019. Both the PILs have been clubbed for common hearing. He further submits that after clearance from the Police Department and by following due procedure laid down in law, the Municipal Corporation has earmarked particular areas where authorized hoardings, banners, posters, etc. could be erected only after obtaining the prior

permission of the Municipal Corporation. Twenty seven squads have been formed in nine wards, including one squad of ex-military men, to check the menace of illegal hoardings and banners, which cause defacement of the city. The report in this regard would be tendered by the Municipal Corporation on the next date.

4. He, however, submits that insofar as the suggestion made by this Court in paragraph 6 of it's order dated 07.12.2022 that the Municipal Corporation should take up the issue with the State Government for increasing the penalty under Section 3 of the Maharashtra Prevention of Defacement of Property Act, 1995 by suitably amending the Act, a specific communication has not been forwarded to the Principal Secretary, Urban Development Department, State of Maharashtra. He assures that this would also be done within 15 days.

5. Let the Aurangabad Municipal Corporation tender a report to this Court on the next date. So also, a copy of the communication addressed to the Principal Secretary, Urban Development Department, would also be placed on record.

6. The learned PIL petitioner draws our attention to the Government Resolution dated 14.11.2022 that has been produced

by the learned advocate for the Municipal Corporation along with the affidavit dated 07.12.2022. The said Government Resolution indicates certain stringent conditions for erecting banners, hoardings, advertisements, etc. only after obtaining permission of the Municipal Corporation and to ensure accountability, every banner or hoarding should indicate the applicant's name, permission number, permitted place for erecting such hoarding, tenure of permission and this has to be indicated through the QR code to be compulsorily affixed on the advertisement.

7. In view of the said submission, we find that the Aurangabad Municipal Corporation is duty bound to comply with the said Government Resolution and in the event of any hoarding, banner or advertisement, etc. is found to have been erected without the QR Code, it would be appropriate to hold the officials of the Municipal Corporation responsible for the said lapse.

8. The learned advocate for the Aurangabad Municipal Corporation draws our attention to the resolution dated 25.11.2022, subject No.544/2022, vide which the Aurangabad Municipal Corporation has already decided to act strictly in

accordance with the said Government Resolution dated
14.11.2022.

9. List this matter on 23.02.2023 at 04:30 PM.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)