

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7738 OF 2024

Devangi Outdoor Advertising Through Its
Partner Alpesh K Dhorajiya Alias Kalpesh Patel ...Petitioners

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development & Anr ...Respondents

WITH

WRIT PETITION NO. 7739 OF 2024

Harmesh Dilip Tanna ...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr ...Respondents

WITH

WRIT PETITION NO. 7782 OF 2024

Friends Advertising Through Its Proprietor Shabana
Rafik Faras ...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr ...Respondents

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN
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WITH

WRIT PETITION NO. 7783 OF 2024

Virtual Media Through Its Partner Nitish

Ketan Doshi

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7791 OF 2024**

Outdoor Mantra Pvt Ltd & Anr

...Petitioners

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7795 OF 2024**

Shristi Communications Through Its Partner
Sunil Ramkeshav Dubey

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7855 OF 2024**

Real Advertising Media Through Digambar
B Gavali

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7856 OF 2024**

Welcome Outdoor Through Its Proprietor
Mangesh Shankar Jadhav

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7857 OF 2024**

H.S. Advertiser Through Javed Sitaruddin
Sayyed

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7858 OF 2024**

Glenn Neville Pais

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7785 OF 2024**

S.S. Outdoor Media Solutions Through Its

Partner Shashikant Shetty

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

**WITH
WRIT PETITION NO. 7786 OF 2024**

Hotspot Advertising Through Its Partner
Shashikant Shetty

...Petitioner

Versus

State of Maharashtra Through The Principal
Secretary Ministry of Urban Development
& Anr

...Respondents

Mr Vaibhav Charalwar, with Shivam Dubey, Deepanjali Mishra, i/b
Mohsin Khan & Rameshwari Dubey, for the Petitioners in
WP/7738/2024, WP/7739/2024, WP/7782/2024, WP/7783/2024,
WP/7791/2024, WP/7795/2024, WP/7855/2024, WP/7856/2024,
WP/7857/2024 & WP/7858/2024.

Mr Gopal Parab, for the Petitioners in WP/7785/2024 &
WP/7786/2024.

Mr G.S. Hegde, Senior Advocate, i/b Ms P.M. Bhansali, for the
Respondent-CIDCO in all matters.

Mr Hamid D Mulla, AGP, for Respondent No.1-State in
WP/7738/2024, WP/7739/2024, WP/7782/2024, WP/7783/2024,
WP/7791/2024, WP/7795/2024, WP/7855/2024, WP/7856/2024,
WP/7857/2024 & WP/7858/2024.

Ms Kavita N Solunke, AGP, for the Respondent-State in
WP/7785/2024 & WP/7786/2024.

Mr Chetan Kapadia, Senior Advocate, with vidisha Rohira, Rahul
Sinha and Soham Bhalerao, i/b DSK Legal, for Respondent No.2 in
WP/7782/2024, WP/7783/2024, WP/7791/2024, WP/7795/2024,
WP/7855/2024 & WP/7857/2024.

Ms Dhanashree Pawaskar, i/b Legal Vision, for Respondent in WP/7857/2024.

**CORAM : N. R. BORKAR, &
SOMASEKHAR SUNDARESAN, JJ.
DATE : 30 MAY 2024.
(VACATION COURT)**

PC:-

1. This batch of Petitions impugns notices from the City And Industrial Development Corporation of Maharashtra Limited ("**CIDCO**") for demolition of hoardings erected in the Navi Mumbai Airport Influence Notified Area ("**NAINA**").
2. On the last occasion, when we had enquired whether there is any law and policy framework at all to deal with the the erection of hoardings, we were given an impression that there is none, and the generic definition of the term "development" in the Maharashtra Regional Town Planning Act, 1966 ("**MRTP Act**") is what would be attracted. Consequently, we had requested CIDCO to maintain the same status as was obtaining on that date until the next date.
3. Today, we have been taken through the Sanctioned Development Control and Promotion Regulations for Interim Development Plan of NAINA, by Learned Senior Counsels for CIDCO.
4. On a plain perusal of the provisions and the scheme of the said Regulations, it is apparent that Regulation 30 contains a

comprehensive framework governing the display of advertising signs on buildings and on lands in the NAINA area. Consequently, there is indeed a framework that governs the subject matter of hoardings, which is also seen from the definition of the term “building” in Regulation 2.15, which brings within its ambit “outdoor display structures”.

5. It is apparent that the hoardings have hitherto come up and have stood for long, with neither side having dealt with the true import of Regulation 30 and compliance with the same. Consequently, it would not be possible as a matter of law, to provide any further protection to the hoardings. It is settled law that the equity can supplement the law but cannot supplant the law. However, since many of these hoardings have been erected many years ago and no enforcement action has been taken against them until now, in the interest of equity, we put to the Learned Counsels for the Petitioners as to whether they would bring the hoardings down on their own, without further public expenditure or potential injury to private property that would be occasioned in the course of any demolition.

6. Upon taking instructions, the Learned Counsels for the Petitioners submit that if they are given four weeks’ time, they

would, on their own, bring down the non-compliant hoardings and apply to CIDCO under Regulation 30 of the aforesaid Regulations for compliant erection of the hoardings.

7. The Learned Counsels for the Petitioners also submit that the permitted size of the hoardings in Regulation 30 are outmoded and may have to be revisited. They are at liberty to make such representations to convince CIDCO that it needs to revise its policy in terms of the permitted size of hoardings. Once any of the Petitioners applies to CIDCO for a compliant outdoor sign or hoarding to be erected in the NAINA area, Learned Counsels for the CIDCO submit, CIDCO would process the same in accordance with law. We request CIDCO to dispose of any such application as expeditiously as possible, and preferably within a period of 45 days from the receipt of such application. We say this because the Petitioners have engaged in the business of hoardings for many years till date, under the nose of CIDCO, without any grievance from CIDCO. It would be in good order, for them to resume their business in a compliant manner, with an expeditious consideration by CIDCO.

8. The Learned Counsels for CIDCO also submit that the expeditious processing of the applications would also require full cooperation from the Applicants to enable CIDCO to assess

compliance with the applicable regulatory requirements.

9. Upon dismantling the hoardings, the Petitioners shall immediately file an Affidavit with CIDCO confirming compliance with the undertaking that they have given to us today. This is necessary since we have leaned upon CIDCO not to deploy their demolition exercise, on the basis that the Petitioners have committed to bringing down non-compliant hoardings on their own.

10. The representation on revisiting the permitted size of the hoardings, if filed by the Petitioners, shall also be expeditiously considered by CIDCO taking into account all applicable criteria for a policy decision on the same.

11. Needless to say, if the hoardings remained non-complaint beyond the period committed in the undertaking given to the Court today, CIDCO shall be at liberty to take action in accordance with law.

12. These Petitions are disposed of in the aforesaid terms.

(SOMASEKHAR SUNDARESAN, J)

(N.R. BORKAR, J.)