

Sumedh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8639 OF 2024**

Ishan Publicity through its Proprietor ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

**WITH
WRIT PETITION NO. 7794 OF 2024**

Pawan Advertising through its Proprietor Assan ...Petitioner
Balani
Versus
State of Maharashtra & Ors ...Respondents

Ms Minal Chandnani, for the Petitioner in both WPs.
Ms Kavita Solunke, for Respondent No. 2 & 3-MMRDA in both WPs.
Ms Rupali Shinde, AGP, for the Respondent-State.
Mr Balaji Pawar, Surveyor MMRDA-present.

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**
DATED: 26th June 2024

PC:-

1. Heard learned counsel for the parties.

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2. In both these Petitions, the challenge is to the action of the Mumbai Metropolitan Regional Development Authority (MMRDA) ordering the removal of the hoardings put up by the Petitioners.

3. In Writ Petition No. 7794 of 2024, on 3rd June 2024, we made an order directing MMRDA to hear and decide Petitioner's Application for retention of this hoarding within one week from the date of submission. In the meantime, MMRDA was restrained from taking any coercive steps to enforce its removal.

4. Learned counsel for the MMRDA submits that the applications made by the Petitioners in both these Petitions were considered but rejected vide communication dated 19th June 2024. Learned counsel for the Petitioner, however, points out that such rejection was without hearing the Petitions.

5. The impugned communication dated 19 June 2024 does not suggest that the Petitioners were heard. The MMRDA produced no other evidence on record to show that the Petitioners were heard. Thus, the Petitioners' application for retention was rejected without hearing them.

6. Accordingly, we set aside the communication dated 19th June 2024 and direct the MMRDA to hear the Petitioners and decide on their applications for retention afresh.

7. The Petitioners or their representatives should appear before the MMRDA on 28th June 2024 at 11.00 am before the Sub-

Regional Office at Thane. The concerned officer must hear the Petitioners/their representatives and pass appropriate orders in accordance with the law on the Petitioner's application for retention on or before 12th July 2024. Such orders must be communicated to the Petitioners. If any of the orders are adverse to the interest of the Petitioners, they should not be acted upon for a period of one week from the date of its communication to the Petitioners.

8. Needless to add, until such applications for retention are decided and communicated, no coercive steps should be taken. Similarly, no coercive steps should be taken for a period of one week from the communication of such orders should the orders be adverse to the interests of the Petitioners.

9. Though we are granting the Petitioners protection in the above terms, it shall be the Petitioners' responsibility to see that the hoardings are properly secured and that there is no danger to the lives and property of others.

10. Both these Petitions are disposed of in the above terms. There shall be no order as to costs. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)