

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8657 OF 2024

Yash Raj Multimedia Pvt Ltd & Anr

...Petitioners

Versus

State of Maharashtra & Ors

...Respondents

Mr Adil Parsurampur*ia, with Priya Pandey, i/b Dilip Shukla, for the
Petitioner.*

Mr Vishal C Ghosalkar*, for Respondent No. 2.*

Ms SR Crasto, AGP*, for the Respondent-State.*

CORAM:

M.S. Sonak &

Kamal Khata, JJ

DATED:

21st August 2024

PC:-

1. Heard learned counsel for the parties.

2. After this matter was argued for some time, Mr Adil Parsurampur i/b Mr Dilip Shukla, based on instructions, states that the Petitioners will entirely remove the offending hoarding at their own cost within three weeks from today, i.e., on or before 11 September 2024. He states that a compliance report along with

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photographs will be served and filed in this Court by 18 September 2024.

3. Learned counsel for the Petitioner further states that the Petitioners will pay Rs. 50,000/—to the Tata Cancer Memorial Trust within four weeks from today and will file a receipt of such payment along with the compliance report.

4. Learned counsel for the Petitioner states that after the offending hoarding is completely removed/dismantled, the Petitioners will apply to the 2nd Respondent for permission to put up a hoarding in accordance with the rules and regulations. He requests that some directions be issued to the 2nd Respondent to dispose of such application in accordance with the law expeditiously.

5. Considering the reasonable approach of the Petitioners and their Counsel, we direct the 2nd Respondent that if the Petitioners file an application, it should be disposed of in accordance with law and on its own merits within four weeks of its filing.

6. The Petition is disposed of by accepting the above statements made on behalf of the Petitioners. Such statements are accepted as undertakings to this Court.

7. Though we are disposing of this Petition, we direct the Registry to place the matter on board on 20 September 2024 to consider the compliance report.

8. In such cases, we find that Gram Panchayats, without any authority of law, have been granting permissions to put up hoardings. With full knowledge that Panchayats have no authority to grant such permissions, parties are putting up the hoardings based upon such permissions. Most of the time, the relevant planning authorities fail to take any action for reasons best known to them.

9. Accordingly, it is high time that the State Government took serious cognisance of Gram Panchayats granting such permission despite full knowledge that they have no powers to do so. The State Government, through its secretary (Panchayats), must consider issuing circulars to the concerned Panchayats to stop indulging in such misadventures. If it is found that the Panchayats persist in such misadventures, the State Government must also consider initiating appropriate action against such Panchayats in terms of the law.

10. All concerned must act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)