



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2166 OF 2024

Indian Hoarding Agency, through Proprietor & Anr. ... Petitioners

Vs.

State of Maharashtra, through Revenue and Forest
Department & Ors. ... Respondents

Mr. Shriniwas Patwardhan i/b. Purushottam G. Chavan and Mr. Mrunal More for the petitioners.

Mr. K.B. Dighe, Addl. G.P. a/w. Ms. Savita A. Prabhune, AGP for the State.

Mr. Abhijit P. Kulkarni a/w. Ms. Sweta Shah and Mr. Abhishek Roy for respondent no. 4-PMC.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATED: 6 AUGUST, 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

“a) That this Hon’ble Court be pleased to issue writ of mandamus or any other appropriate writ, order or direction *inter alia* directing respondent no. 4 to recall the Letter Outward No. 9161 dated 06.02.2024 issued on the basis of ex-parte Letter dated 30.01.2024 vide no. PML/Kavi/28/2024 by respondent no. 3/Resident Deputy Collector, Collector Office, Pune (which is yet to be communicated or served the petitioners);

b) This Hon’ble Court be pleased to issue writ of mandamus or any other appropriate writ, order or direction *inter alia* directing respondent no. 2 and 3 to recall impugned ex-parte Letter dated 30.01.2024 vide its reference bearing no. PML/Kavi/28/2024 (which is yet to be communicated or served the petitioners) issued by respondent no. 3 thereby declaring that the same is contrary to the Government Letter dated 14.12.2022 (Exhibit-I hereto);

c) This Hon’ble Court by appropriate writ, order or direction be pleased to direct respondent nos. 2 to 4 to decide the representations dated 11.01.2024 (Exhibit-N hereto) and further directed to submit its report to respondent no. 1.”

2. It appears that for the period 06.09.2017 to 31.12.2021, the petitioners were granted permission by the Collector, Pune for putting up the hoardings under the policy of the State Government on the State Government's land. Accordingly, the petitioners had made an application and deposited an amount of Rs.6,60,000/-, being the fees for the said period. Our attention is drawn to a communication issued by the Assistant Commissioner, Pune Municipal Corporation to the Deputy Commissioner, Licence and Skysign Department of Pune Municipal Corporation wherein it has been certified that for the said period, as per the record of the Municipal Corporation, the petitioners had not put up their hoardings. This position has not been disputed by the State Government in the reply affidavit.

3. Be that as it may, for the subsequent period, i.e., 06.09.2022 to 05.09.2025, the petitioner has been granted permission and for such period, by an order dated 15 February, 2024 passed by the co-ordinate Bench of this Court, the petitioners were permitted to deposit the amounts in this Court. The said order is required to be noted, which reads thus:

“1. The Petition can be disposed of by directing the Petitioners to pay license fees for the land on which there are advertisements hoardings to the government for the period 2022–2025 on a without prejudice basis, and subject to the Petitioners making an application for adjustments/refund, which may be considered on merits by State as expeditiously as possible. To make the payment online, we will require the generation of a challan or a set of challans. This may in itself create difficulties for the officers in question.

2. We therefore direct that the amount payable to the State Government should be deposited in Court within a period of 10 days from today. Thereafter the government is at liberty to make an

application on praecipe for withdrawal of the amount.

3. Upon the Petitioner giving an undertaking to make that deposit and to accept that deposit in Court, there will be an ad-interim order in terms of prayer clause (d) which read thus:

“(d) During the pendency and final disposal of the present Writ Petition, this Hon’ble Court be pleased to stay, operation, implementation and effect of Letter Outward No.9161 dated 06.02.2024 and ex-parte Letter dated 30.01.2024 vide No.PML/Kavi/28/2024 by Respondent No.3.”

4. If the deposit is not made by 26th February 2024 this ad-interim protection will stand vacated.

5. List the matter on 1st March 2024.”

4. On the aforesaid backdrop, the only contention as urged by Mr. Patwardhan, learned counsel for the petitioners that the amount of Rs.6,60,000/- deposited with the Collector, Pune, which was in fact not utilized as no permission was granted to the petitioners for the period 06.09.2017 to 31.12.2021, needs to be either refunded to the petitioners or it is required to be adjusted in the future permissions which would be granted. He submits that in this regard, the relief prayed for in this petition would be prayer clause (c) (supra).

5. Learned AGP has drawn our attention to the reply affidavit as filed on behalf of the Municipal Corporation.

6. Mr. Kulkarni, learned counsel for respondent no. 4-Pune Municipal Corporation states that Pune Municipal Corporation has limited role and it is only the Licensing Authority. The permission to put the hoarding is granted to the petitioners by the Collector, Pune on the land which is belonging to the State

Government at different locations as set out at Exhibit 'E' (page 41).

7. Having heard learned counsel for the parties and having perused the record, it appears to us that the amount of Rs.6,60,000/- was deposited by the petitioners in anticipation of the permission. However, the fact remains to be not in dispute that permissions were not granted to the petitioners for the period 06.09.2017 to 31.12.2021 to install the hoardings. Thus, the amount which is lying with the Collector, Pune in fact is entitled to be refunded to the petitioners. The learned counsel for the petitioners, however, has taken a fair stand that instead of claiming a refund of the said amounts, these amounts can be utilized towards payments due from the petitioners for the future period, if such permissions are granted to the petitioners. We, accordingly, direct that such contention of the petitioners, which is stated to be now part of the representation dated 11 January 2024, be considered by the Collector and appropriate decision be taken within a period of four weeks from today. The decision be accordingly informed to the petitioners.

8. Mr. Patwardhan has also fairly stated that the amount of Rs.6,60,000/- deposited in this Court for the period 2022-2025 as ordered by the co-ordinate Bench of this Court by order dated 15 February 2024, his clients did not have any objection for withdrawal of the said amount, as already permitted by this Court.

9. Needless to observe that the petitioners be heard by the Collector before taking any decision on the representation.

10. Needless to observe that our order permitting adjustment of the amount of Rs.6,60,000/- deposited with the State Government ought not to be construed to any approval/permission granted to the petitioners for putting up hoardings, as it is only if such permissions are granted to the petitioners in accordance with law, such amounts can be adjusted and not otherwise. If such permissions are not granted for the future period, the amount would be required to be refunded to the petitioners.

11. The petition would accordingly not require further adjudication. It is disposed of in terms of our aforesaid order.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)