

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7217 OF 2025**

Reflection Publicity Throu.

Mahesh Shivaji Panke And Ors

...Petitioners

Versus

The State Of Maharashtra Throu.

Its Urban Development Dept And Ors

...Respondents

Mr. Prashant Katneshwarkar, Senior Advocate, Mr. Shrirang Katneshwarkar a/w Mr. Sandeep Gupta and Mr. Vivek Chauhan i/b Mr. Shrirang Katneshwarkar for Petitioners.

Mrs. M. P. Thakur, AGP for Respondent No.1.

Mr. Rajesh Tekale for Respondent Nos.2 & 3.

**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.**

DATE : 10th JUNE, 2025.

P.C:

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

“A. By issuance of writ of mandamus or any other appropriate writ this Hon'ble court may kindly be pleased to quash and set aside the Office Order dated - 13/07/2023, bearing no – JA. KRA. PMRDA/V. PA./AA. CHI. V/23-24/3171, whereby the rules are issued by the PMRDA in respect of Advertisement Structures without following the procedure laid down by law as the same are null and void. (Exhibit D, Pg. No. 189 to 191).

B. By issuance of writ of mandamus this hon'ble court may kindly quash and set aside the Office Order dated - 23/05/2025, bearing no JA. KRA. PMRDA/V. PA./AA. CHI. V/2025-26/1512, whereby the earlier office order is modified to the extent of paragraph No. 10 of the Office Order dated 13/07/2023. (Exhibit G, Pg. No. 213 to 214).

C. This Hon'ble Court may kindly restrain PMRDA from demolishing and cutting down the Advertisement Structures of

the petitioners and sending demolition/removal notices to the petitioners and not to disturb any Advertisement Structures reconstructed by the petitioners.

D. This Hon'ble Court may kindly direct PMRDA to return back the demolition material and compensate the petitioners whose advertisement structures are demolished with an amount equal to construction cost, for the agony and hardship caused to the petitioners.”

2 We have heard Mr. Katneshwarkar, Learned Senior Advocate for the petitioners. The grievance of the petitioners is that Respondent No.2 – Pune Metropolitan Region Development Authority (for short **PMRDA**) has issued notices to the petitioners calling upon the petitioners to remove their respective hoardings, on the ground that the hoardings installed by the petitioners are not licenced and/or permitted / approved by the PMRDA. One of such notices annexed to the petition dated 13th July 2023 [Exhibit D (page 189)].

3 We find from the provisions of the Maharashtra Metropolitan Region Development Authority Act, 2016 (the MMRDA Act) that the PMRDA is constituted under Section 3 of the said Act. Sub Section (3) of Section 3 provides that the Metropolitan Authority shall be deemed to be a local authority within the meaning of the term "Local Authority" as defined under the Maharashtra General Clauses Act 1904. For convenience we extract hereinbelow Section 3 of the MMRDA Act, which reads thus:

“3. Establishment of the Metropolitan Region Development Authority.

(1) As soon as may be, after the commencement of this Act, the

State Government may, by notification in the Official Gazette, establish, for the purposes of this Act, an authority to be called "The Metropolitan Region Development Authority" for every Metropolitan Region.

(2) The Metropolitan Authority shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable and to contract and may sue or be sued by its corporate name as aforesaid.

(3) The Metropolitan Authority shall be deemed to be a local authority within the meaning of the term "Local Authority" as defined in the Maharashtra General Clauses Act (I of 1904)."

As there is incorporation of the definition of local authority in sub-section (3) so as to confer on the "Authority" the legal status of "Local Authority", we also note the definition of local authority as defined under Section 3(26) of the Maharashtra General Clauses Act 1904, which reads thus :

3(26)-Local authority.— "local authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of municipal or local fund ;

4 Thus the PMRDA is supposed to function as a "local authority" under the provisions of the relevant laws. It is fairly pointed out to us that the PMRDA has also framed the Development Control and Promotion Regulations (DCPR 2018), as a planning authority would be authorised to do.

5 In the above circumstances, in our opinion, we ought not delve on any larger issues, suffice it to observe that the petitioners have already made application for issuance of licences for the hoardings,

which are pending with the competent officer of the PMRDA. In our opinion, it would not be fair to the petitioners that the PMRDA without deciding their applications for issuance of licence which the petitioners are ready and willing to take, remove their hoardings. We are hence of the opinion that keeping open all contentions of the parties, the petition can be conveniently disposed of in terms of the following order:

ORDER

- (i) The pending applications of all the petitioners for issuance of licences for installation of their respective hoardings be decided by the competent officer of the PMRDA as expeditiously as possible and in any event within a period of 15 days from today.
- (ii) In the event, the petitioners are required to provide any further particulars, the petitioners are free to do so, which can be undertaken within a period of 7 days from today, so that, the Competent Officer of the PMRDA can consider such particulars and issue licences to the petitioners for their respective hoardings.
- (iii) In so far as as the licence fees are concerned, we keep open all contentions of the petitioners. It is open for the petitioners to avail of the licences by depositing the licence fees without prejudice to their rights and contentions.
- (iv) We clarify that we have not delved on any larger issue on the legality of the rates being fixed by the PMRDA in passing the present

order as the licence applications are already pending with the PMRDA.

(v) Keeping open all contentions of the parties, we dispose of this petition in the aforesaid terms.

7 At this stage, we are informed by Mr. Katneshwarkar, that some petitioners are required to make their applications. If that be so, let the same be made in the prescribed form within a period of 10 days from today and if such applications are made, the same be decided within a period of 15 days from the submission of the applications.

8 Needless to observe that till the applications of the petitioners are decided, so as to enable the petitioners to hold the licence hoardings, the PMRDA shall not take any coercive action in regard to the existing hoardings of the petitioners, of which a list be immediately prepared by the PMRDA, within a period of one week from today.

9 Disposed of. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]