

22.04.2026
Item No.2
Court No. 30
Piya

WPA 9264 of 2026

**Andromeda Communications Private
Ltd. & Anr.**

-vs-

The State of West Bengal & Ors.

Mr. Meghajit Mukherjee
Mr. Chayan Gupta
Mr. Sayantan Chatterjee
Ms. Brinda Sengupta
Ms. Mobina Ali
Mr. Ramendu Agarwal(V/C)

... for the Petitioner

Mr. S. Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag

..... for the BMC

Mr. Saptanghsu Basu, Sr. Adv.
Mr. Javed K. Sanwarwala
Mr. Shariq A. Sanwarwala
Ms. Sadaf Aafrin

.... For the Respondent no. 5

Mr. Swapan Kumar Dutta, Ld.G.P.
Mr. Sumit Kr. Roy
Mr. Bikramjit Mandal

..... for the State

1. The instant writ petition is directed against the arbitrary, unlawful and mala fide action of the Respondent Authorities in purporting to erect advertisement hoardings on the

footpath abutting the Petitioners' premises, pursuant to a purported work order dated March 14, 2026, issued in favour of the Respondent No. 5, in gross violation of statutory policy, constitutional guarantees and settled principles of law.

2. The petitioners case is that on or about April 8, 2026, the Petitioners were taken by complete surprise when labourers and agents, acting under the authority of the Respondents, commenced excavation and preparatory activities on the footpath directly abutting the Petitioners' premises, with the intent of erecting large hoarding structures mounted on iron and steel poles. No prior notice, consent, or disclosure was provided to the Petitioners, thereby constituting a patent violation of the principles of natural justice.
3. Upon enquiry, the Petitioners were shown a purported work order Memo dated March 14, 2026, **which, on its face, does not identify any specific site or location for such installation.** The said work order is vague, non-specific, and incapable of conferring any authority for undertaking intrusive

construction activities at the Petitioners' frontage.

4. It is further stated that the impugned action is ex facie contrary to the Signage, Hoarding and Outdoor Advertisement Policy, 2023, which does not recognise footpaths or pedestrian pathways as permissible locations for erection of advertisement structures and expressly prohibits installations that obstruct pedestrian movement, access, visibility, natural light or ventilation. The Respondent Authorities, being creatures of statute, are bound to operate strictly within the four corners of such policy and cannot act in derogation thereof.
5. The proposed construction, if permitted, would severely prejudice the Petitioners proprietary and commercial rights by **obstructing ingress and egress, diminishing visibility of existing signage of sub-tenants, impairing natural light, and adversely affecting business operations.** Such actions constitute an unreasonable restriction on the Petitioners' fundamental right to carry on trade and business under Article 19(1)(g), as well as a violation of their

rights under Articles 14, 21 and 300A of the Constitution of India.

6. Furthermore, the actions of the Respondents are demonstrably arbitrary, mala fide and in colourable exercise of power, undertaken to confer undue benefit upon the Respondent Authorities at the cost of the Petitioners and the public at large. The erection of structures on a public footpath not only infringes private rights but also constitutes an impermissible encroachment upon public space.
7. **Hence the writ petition** praying for quashing of the impugned work order, restraint upon the respondents from proceeding with any construction and protection of their legal and fundamental rights.
8. On hearing the parties and perusal of the materials on record, the following is to be put on record:-

- a) **The Signage, Hoarding and Outdoor Advertisement Policy for the State of West Bengal**, is as follows:-

1. Preamble:-

The Signage and Outdoor Advertisement Policy of the State of West Bengal aims to strike a delicate balance between road

safety and enhancing the aesthetic appeal of cities. Recognizing the importance of well-designed and regulated signage and outdoor advertisements, the policy seeks to create a harmonious visual environment while ensuring the safety and convenience of road users.

*With the rapid growth of urban areas, the visual clutter caused by excessive signage and outdoor advertisements has become a concern for both residents and visitors. **It is crucial to maintain clear visibility** and readability of traffic signs, signals, and road markings, which are essential for ensuring road safety. Additionally, an overwhelming proliferation of advertisements can detract from the architectural beauty and cultural heritage of cities, diminishing their overall visual appeal.*

2. Guiding Principles:-

2.1. Health conditions:

Safeguarding Health Conditions is essential to well being of the city.

No sign must block opportunities for natural light

or ventilation in buildings or across open spaces.

2.2. Safety: A sense of security and comfort are basic elements that facilitate smooth operations within a city. No sign must be located to obstruct movement. Neither should it be placed in a manner or technique that chances compromise, risk or vulnerability to life or operations.

3. Policy Objectives and Scope

3.1. Prohibit the erection, location, exhibition, fixation, retention, size, shape or display of all or any class of advertisements in any street, public road, or public or private place, public or private building, wall, hoarding, structure, tree, lamp posts, poles in or adjoining or visible from or abutting any public place or road, or public park or part thereof or in any place of public resort; and

3.2. Regulate the erection, location, exhibition, fixation, size, shape, retention or display of advertisement in any manner in non-prohibited areas.

7. Tendering of Advertisement, Signage, Hoarding:

*Apart from all such advertisements that are permissible in the city, the Municipality or Municipal Corporation shall **prepare an advertisement Master Plan, identify specific location** wherein advertisement will be allowed on payment of special fees and allotted by the Municipality or Municipal Corporation through a transparent tendering process. Such allotments can also be in-lieu of maintenance of certain areas/spaces within the city. **The locations can be as follows:***

7.1. Rotary and central verge when permitted, these shall be small format advertisements, max 0.25 sq. mtrs in area displayed on the grill of the rotary and central verge. No advertisement is permitted in the centre of the rotary.

7.2. Billboards on unipoles and bipoles

7.3. The vision-sanctioned as per the advertisement Master Plan prepared and approved by the Planning Department from time to time.

8.2.6. Such application shall be accompanied by a location plan indicating the position of the sign and full detail drawing and an elevation showing the sign in relation to the facade.

8.2.11. *The Executive Officer/ Commissioner shall, on the receipt of an application for permit, after making such inspection as may be necessary and within thirty days of the receipt of the application either grant, refuse, renew or cancel a licence or sanction with modifications as the case may be, and shall communicate decision to the applicant within a prescribed time, on payment of such fee as may be determined by the Board of Councilors/ Corporation by regulations.*

8.2.12. *If the Executive Officer/ Commissioner having regard to public safety, traffic hazard or aesthetics, is of opinion that the proposed site for any advertisement is unsuitable, he may refuse a licence or refuse to renew any existing licence.*

Provided further that no non-commercial advertisement, other

than the advertisement related to public interest, shall be erected, exhibited, fixed or retained on -

14.3.1. *the surface of any solid wall, or on any other permanent structure, including the terrace, in such manner which shall cover, even partially, any door, window, ventilation shaft, chimney, air conditioner, balcony or any other portion of the building covered with iron grill;*

14.3.2. *the building or fence or any educational institution or hospital.*

14.3.3. *the building used for religious purposes;*

14.3.4. *the gate or exit requirement of any building;*

14.3.5. *the electrical installation, like transformer, lamp post, switchgear box, meter room;*

14.3.6. *the water supply installation, like pump house, pump, water main, boosting station or machinery, water tank or water reservoir;*

14.3.7. *The portion of any public transport; the buildings or structures owned by the Central Government, State Government or*

any local authority, or on any heritage building;

14.3.8. *the public street **which may block the flow of pedestrians** or traffic.*

16. Withdrawal and amendment of approval

16.1. *The Municipality or Municipal Corporation may, after having considered any representations, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Municipality or Municipal Corporation, the advertising sign concerned has any of the following criteria:*

16.1.1. *change to the nature of the environment of the amenity of the neighborhood, streetscape or urban design existing at the time of such approval become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence.*

16.1.2. *constitutes, or has become a danger to any person or property.*

16.1.3. *is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance or*

16.1.4. *is or has become prohibited in terms of any of the conditions mentioned in this policy or any other law,*

16.2. *Prior to taking any decision in terms of the above clause the Municipality or Municipal Corporation must in writing notify the owner of the advertising sign concerned of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.*

16.3. *The owner of the advertising sign concerned and if applicable the property concerned must forthwith be given notice in writing of any decision.*

16.4. *The Municipality or Municipal Corporation must provide written reasons for its*

decision on receipt of a written request as contemplated.

19. Categorization of the Zone of Advertisement:

*For the purpose of **regulating the location and display** of advertisement hoardings in the Municipality or Municipal Corporation, the said area shall be classified into Zones with clean demarcation for each Zone, which shall respectively be Zones A, B, C, D etc. For each of these Zones, the conditions for allowing permission for Advertisement may be prescribed along with the number of Hoardings permissible on each Road in a particular Zone.*

25. Conditions for fixation of advertisement/Signage/Hoardig etc:

25.1. Location

25.1.1. Any Advertisement which will cause obstruction or interference with the visibility of approaching, merging or intersecting traffic.

*25.1.2. A signage shall not be placed/ installed in any form, shape or manner that it obstructs a means of egress, **nor be placed in***

such manner as to interfere with any opening required for lighting and ventilation. Light and ventilation of buildings, if any, situated near the signs and hoardings, shall also not be obstructed in any way.

25.1.10. No Advertisement shall be permitted if the same is likely to affect any local amenity or facility.

25.1.11. No advertisement shall be permitted which will obstruct the path of pedestrians or obstruct their visibility.

25.1.13.3. Obstruct the opening and closing of any window / door of residential building/ commercial establishment.

9. In course of hearing the respondent/corporation has submitted a report stating as follows:-

Hoarding and Outdoor Advertisement Policy for the State of West Bengal 2023 93

ANNEXURE 1

Sl. No.	Advertisement Zones	Earmarking and Delineation of Area/Road	Type of Advertisement	Rate (Per Sq. Feet per year) in Rs.	
				<100 Sq. ft.	>100 sq ft.
1	Zone A	Entire East	1.		
			2.		
			3.		
2	Zone B	Entire West	1.		
			2.		
			3.		
3	Zone C	Entire North	1.		
			2.		
			3.		
4	Zone D	Entire South	1.		
			2.		
			3.		

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- i. The process of issuing EOI and subsequent steps were not interfered by the Hon’ble Division Bench in its order dated 03.09.2025.
- ii. It is stated that tender and issuance of contract (work order was all done by following relevant policy).
- iii. It is further stated that the selected agency is reportedly operating within the jurisdiction of BMC (V& VI) following the settled norms and condition,
- iv. Clause (iii) in the report is as follows:-
4(iii). Pedestrian Safety and Free Movement

Adequate clear footpath width is maintained at all locations.

Installations such as kiosks, tree guards, and bus shelter branding do not hinder pedestrian movement or accessibility.

Herein the corporation compares a huge private hoarding being put up with public facilities like kiosks, tree guards and bus shelter.

v. Clause iv is as follows:-

4(iv). Buffer from Residential Premises

Advertisement structures are not placed directly in front of residential bungalows, apartments, or sensitive premises in a manner that **causes visual intrusion, privacy concerns, or inconvenience to residents.**

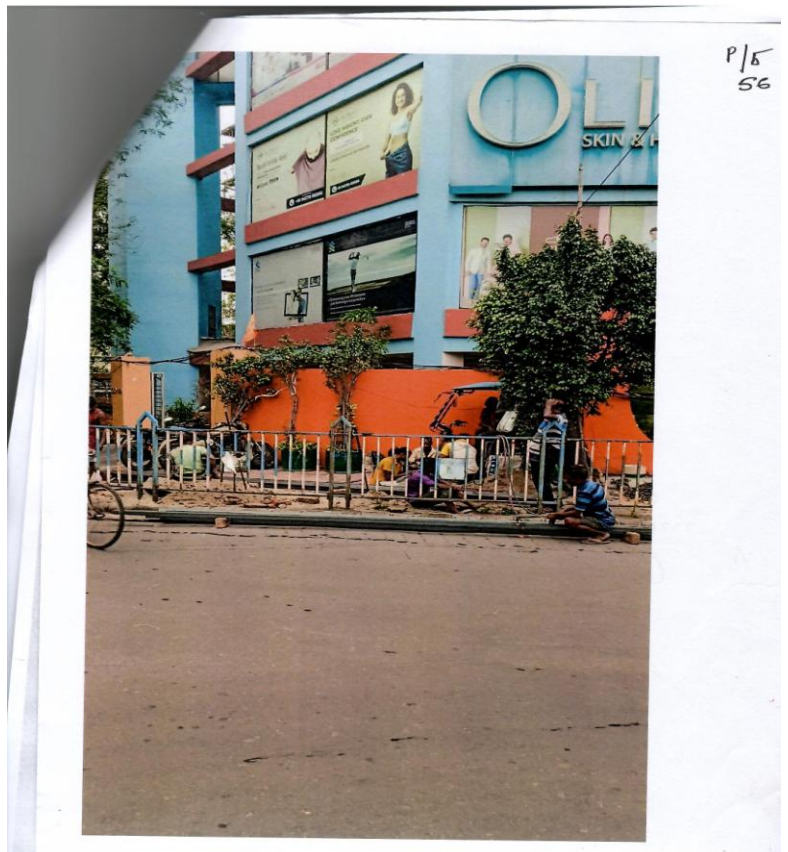
10. The structure herein is being put up by encroaching the public footpath and is being put up in front of a building commercial used for purpose. Thereby blocking the view of the building and causing visual inconvenience.

11. Finally it is stated:-

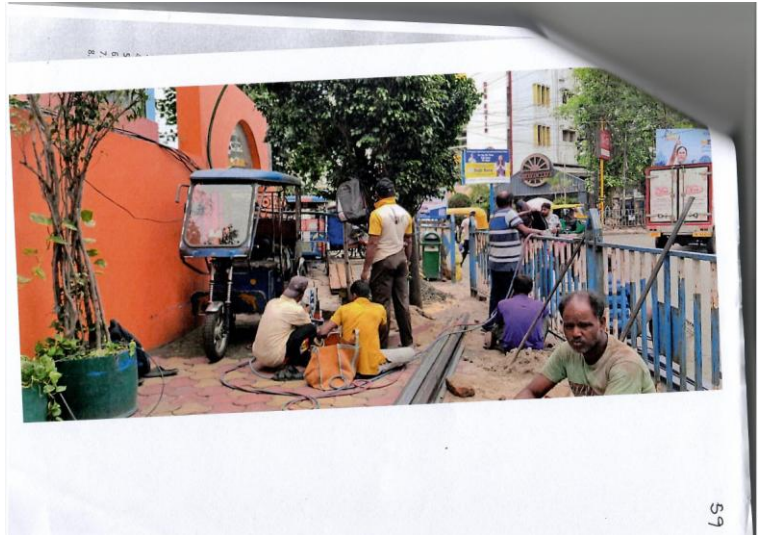
From the physical inspection conducted by this Corporation on

16.04.2026, it appears that the structure to be built by the selected agency is nearly 12 feet away from the structure/construction of the Petitioner herein and no public road/footpath has been encroached as such.

12. The pictures placed before this Court and not denied by the respondents totally contradict such contents of the report submitted are as follows:-







- 13. In the present case not only has the private respondent encroached a major portion of the narrow footpath, but by putting up such a huge hoarding would be bleeking air, light, verticaltion and hamper the business of the petitioner who runs the commercial hub there.**
- 14. The statement in the report stating that public footpath has not been encroached is in total contradiction to the admitted pictures which are part of the writ application.**
- 15. There is prima facie violation of clause 14.3.4, 14.3.8, 25.1.2, of the advertisement policy of the State.**
- 16. The private respondent has fairly stated that the location for the hoarding was chosen by him and he is willing to relocate at once, not willing to cause further inconvenience to the petitioners herein.**

17. This proves that no location was specified to the respondents who chose the position/location he thought was best for his hoarding (violation of clause 8.2.6).
18. On choice of location, it appears that no inspection was carried out to show that the authorities had taken care to ensure that the policy guideline are being followed or not.
19. Accordingly **the writ application is disposed of** with the direction that the matter be placed before the appropriate authority of respondent corporation as per clause 16 of the advertisement policy of the State, and the issue and dispute raised shall be disposed as provided therein on hearing all stake holders. Copy of the writ application be treated as representation.
20. **While considering the matter, the authority shall strictly adhere to the advertisement policy of the state.**
21. The erection of the hoarding in this case and the work order dated 14.03.2026 be stayed till completion of the hearing as directed and shall be subject to the outcome of the cases before the said authority.
22. **WPA 9264 of 2026 is disposed of.**

- 23.** All connected application, if any, stands disposed of.
- 24.** Interim order, if any, stands vacated.
- 25.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)