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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3367/2015 & CM 6040/2015, 6042/2015

COLONEL SHIVRAJ KUMAR

..... Petitioner

Through: Mr Shadan Farasat, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS. Respondent

Through: Ms Mini Pushkarna, Adv.with Ms Y. Pallavi, Adv.
for North DMC.

Mr Sunil Satyarthi, Adv. for Delhi Cantonment Board.

Mr Anil Grover, Adv. with Ms Divya Jain, Adv. for NDMC.

Ms Biji Rajesh, Adv.

Mr Raman Duggal, Adv. for GNCTD.

Mr D.P. Singh (Commercial Officer SDMC).

Mr Romo Mohanty, Adv. for SDMC.

AND

+ W.P.(C) 4238/2015 & CM 7673/2015, 7674/2015

INDIAN OUTDOOR ADVERTISING ASSOCIATION

..... Petitioner

Through: Mr Amit Sibbal, Sr. Adv.with Mr Anand Mishra,
Mr Hemant Kumar, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS. Respondents

Through: Ms Mini Pushkarna, Adv.with Ms Y. Pallavi, Adv.
for North DMC.

Ms Biji Rajesh, Adv.

Mr Pravesh Takhur, Adv.

Mr Sunil Satyarthi, Adv. for D.C.B.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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06.05.2015

In W.P.(C) 3367/2015 the following prayers have been made:-

- (a) Direct the respondent civic agencies to forthwith remove all defacement, including but not limited to hoardings and posters, that has come up in Delhi in contravention of the Outdoor Policy as well as the Delhi Prevention of Defacement of Property Act 2007, and/or
- (b) Direct the civic agencies to take adequate measures to prevent such large scale violation of the Outdoor Policy and Delhi Prevention of Defacement of Property Act 2007, and/or
- (c) Direct the institution of an independent enquiry for finding the reasons behind such large scale violation of the Outdoor Policy and Delhi Prevention of Defacement of Property Act, 2007 on Advertisement and Defacement, and/or
- (d) Pass any other order that this Hon'ble Court may deem fit in the facts and circumstances of this case.

Essentially the grievance of the petitioners is that the Outdoor Advertisement Policy 2007 is being violated with impunity. It is being violated by placing hoardings on rooftops, on unipoles, on footpaths and other areas. The fact of the matter is that when we put it to the respondent Corporations, namely, the South Delhi Municipal Corporation, East Delhi Municipal Corporation and the North Delhi Municipal Corporation, as to whether the alleged violations pointed out by the petitioners in W.P.(C) 3367/2015 and 4238/2015 and the applicant in CM 8212/2015 in W.P.(C) 3367/2015 were within the law or not, all the counsel representing the three Municipal Corporations were unequivocal in their statements that the said allegations were correct and the hoardings etc specified in the petitions were contrary to the Outdoor Advertisement Policy 2007 as also to the Delhi Prevention of Defacement of Property Act, 2007. If that be the case, the mandamus sought by the petitioners can be granted straightway and we order accordingly. Prayers (a) and (b) sought for in W.P.(C) 3367/2015 are granted. Insofar as prayer (c) is concerned, for the present we are deferring orders on the

same and it would be taken up on the next date of hearing.

The concerned Municipal Corporations shall Act on the above directions. We are granting them two months time to ensure full implementation of and compliance with the Outdoor Advertisement Policy 2007 in letter and spirit concerning the hoardings on top of buildings, hoardings on unipoles, bipoles, wall-raps and advertisements on footpaths. In fact the direction by this court is that the Municipal Corporation of Delhi shall ensure full implementation of the Outdoor Advertisement Policy 2007 and they shall ensure that there is no hoarding advertisement, wall rap etc. which is contrary to the Outdoor Advertisement Policy 2007.

We are making it very clear that if the action is not taken by the Municipal Corporations of Delhi then the Commercial Officers (Advertisement) of each of the Municipal Corporations of Delhi shall be held responsible for the inaction. We are also making it clear that the direction includes sites which, though offered for tender by the Municipal Corporation, are in violation of the Outdoor Advertisement Policy 2007. The Municipal Corporations of Delhi shall also take action under the Delhi Prevention of Defacement of Property Act, 2007. *Status reports* indicating all the action taken by the said corporations shall be filed before the next date of hearing.

Renotify on 19.08.2015.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

MAY 06, 2015

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