

(1997) 12 SC CK 0092

In the Supreme Court Of India

Case No : Writ Petition (C) No's. 9300 of 1982, 13029 of 1985, 939 of 1996 and 95 of 1997 and IAs No's. 7-8 and 11-13

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 10-12-1997

Acts Referred:

Citation : AIR 1998 SC 190 : (1998) 69 DLT 1003 : (1997) 10 JT 16 : (1998) 1 PLJR 37 : (1997) 6 SCALE 14 : (1998) 1 SCC 363 : (1997) 6 SCR 368 Supp

Hon'ble Judges : J. S. Verma, C.J.; V. N. Khare, J.; B. N. Kirpal, J

Bench : Full Bench

Advocate : Party in perso, for the Appellant; M.S. Usgaocar, Additional Solicitor General, H.N. Salve and G. Ramaswamy, Senior Advs., Mukul Mudgal, A.D.N. Rao, Wasim A. Qadri, Niranjana Singh, P. Parameswaran, Arvind Kumar Sharma, Indra Sawhney, Anubha Jain, Narain, Sandeep Narain, R.K. Kapoor, P. Verma, Anis Ahmad Khan, S.N. Sikka, Vijay Panjwani, Ranjit Kumar, Kailash Vasdev, Salman Khurshid, R.K. Khanna, P.S. Raman, Vineet Kumar, Tripurari Ray, S. Maniklal, Ejaz Maqbool, Pramod Kr. Sharma, A.S. Chandhiok, Rajiv Dutta, H.S. Anand, R. Sasiprabhu, R.K. Maheshwari, Ashok Mathur, V.B. Saharya, R.P. Gupta, A.K. Sharma, Satish Agrawal, A.A. Khan, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Sanjay Parikh, D.K. Garg and D.S. Mahra, for the Respondent

Final Decision : Disposed Of

Judgement

LA No. 11

1. The application stands disposed of.

1A No. 12

2. This application is made by Delhi Outdoor Advertisers Association. The prayer in the application is for clarification/modification of the order dated November 20, 1997 in so far as it relates to the direction given therein for the removal of all hoardings which are on road-sides and which are a disturbance to safe traffic movement. Having heard Shri G. Ramaswamy, learned senior counsel for the

applicant, and the learned amicus curiae, we are satisfied that this application must be rejected. We have perused the notice published by the Commissioner of M.C.D. warning all advertisers/owners of hoardings in Delhi to remove such hoardings and also the notices issued thereafter as a result of non-compliance of the notice by some persons. We are satisfied that the steps taken are in the proper direction to identify and remove these hoardings. Shri G. Ramaswamy submitted that the order enables the authorities to act arbitrarily and to remove any hoarding at their will, which should not be permitted. In our opinion, such a perception is not correct. The order made by this Court on November 20, 1997, which was duly publicised has directed in the order itself publicity through the electronic media and is obviously well-known to every one. The applicants belong to a category who would undoubtedly be aware of the order and its requirement. Even thereafter, a notice requiring compliance was published in the newspapers and in addition, in case of continuing default, individual notices were issued some of which were shown to us by the learned counsel. There is, thus, sufficient notice to every person and no further notice of the kind suggested by Shri Ramaswamy is required to any advertiser/owner of the hoardings. The order dated November 20, 1997 is quite clear and has also been correctly understood by the authorities and all concerned. It directs the authorities to 'remove all hoardings which are on road-sides and which are hazardous and a disturbance to safe traffic movement'. There is no ambiguity in the order. It is obvious that every hoarding, other than traffic signs and road signs on the road-sides have to be removed irrespective of its kind; every hoarding irrespective of whether it is on the road-side or not which is hazardous and a disturbance to safe traffic movement so as to adversely affect free and safe flow of traffic is required to be identified by the authorities and promptly removed. Obviously, the hazardous hoarding which is a disturbance to safe traffic movement has to be a hoarding visible to the traffic on the road. No other detail or further guideline is required for appreciating this order and its implementation. Even though the order dated 20.11.1997 was explicit and very clear, yet these further observations are made to leave no one in any doubt of the content and requirement of our order.

3. We reiterate the direction given in our order dated November 20, 1997 that the order made by us even in respect of the hoardings is required to be implemented notwithstanding any other order or directions including stay orders/injunctions granted by any authority, court or tribunal to the contrary.

4. Interlocutory Application is, therefore, disposed of.