

(2013) 07 RAJ CK 0173

In the Rajasthan High Court

Case No : Civil Writ Petition (Pil) No. 7425 of 2013

Richa Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 08-07-2013

Acts Referred:

Constitution of India, 1950 — Article 21

Citation : (2013) 07 RAJ CK 0173

Hon'ble Judges : Amitava Roy, C.J.;Veerendr Singh Siradhana, J

Bench : Division Bench

Advocate : Ajatshatru Mina, for the Appellant;

Judgement

Amitava Roy, C.J.—Heard Mr. Ajatshatru Mina, learned counsel for the petitioner. For the order proposed to be passed, it is considered inessential to issue formal notice to the respondents.

2. The petitioner, a citizen of India, has introduced herself to be an employee of Bank of Baroda, Jaipur, besides being devoted to the research work on "Environment, Humans and Values: An Anthropocentric and Eco-centric Perspective". She seeks judicial intervention for the following reliefs:-

1. To direct respondents to remove all the illegal posters, hoardings, banners from the traffic signs, direction boards, Metro Pillars and other public properties located in the city of Jaipur;

2. To completely ban the affixing of posters, hoardings, banners on traffic signals, direction boards and public property in the city of Jaipur without obtaining the permission from the concerned department in accordance with law;

3. To direct respondents to take action against the culprits, who are involved in defacing the public property for their personal benefit, in accordance with law and further direct Rajasthan Police to register cases against the culprits;

4. To make it mandatory for all the approved posters, hoardings, banners to

display the permission granted to the applicant along with the place and duration for which the permission is allowed;

5. To direct respondent to establish Nodal Authority to grant permission for affixing the posters, hoardings and banners for the purpose of all enactments and regulations;

6. To direct respondent authorities to constitute vigilance squads to constantly monitor the non-display of posters, hoardings, banners on any public property in the city of Jaipur.

3. The reliefs, as the text of the petition would disclose, stem from the petitioner's perception of contravention, more particularly of the Rajasthan Prevention of Defacement of Property Act, 2006 (for short, hereafter referred to as the Act) and the inexplicable inaction of the concerned authorities to remove the unauthorized and unregulated affixation of posters and advertisements, more particularly by the various political groups for factional benefits and also by other unscrupulous elements for personal gain thereby, defacing public property leading to violation of the guarantee to life contained in Article 21 of the Constitution of India. According to the petitioner, such posters and advertisements appearing over traffic signals, direction boards, Metro pillars etc. not only defile the aesthetic quotient of the City of Jaipur, but also are creating utter confusion in the minds of commuters in general to the detriment of the public at large. Referring, amongst others, to the Rajasthan Municipalities Act, 1959, Rajasthan Police Act, 1957, Indian Penal Code as well as Prevention of Damages to Public Property Act, 1984, the petitioner has alleged total inaction on the part of the concerned State functionaries to undo and prevent such illegal and indiscriminate defacement of public property.

4. The learned counsel for the petitioner has emphatically reiterated the above. Photographs of various locations have also been annexed.

5. At the threshold, the reliefs prayed for, demonstrates the petitioners valid comprehension of permissibility of affixation of posters, hoardings, banners etc. as in existence, subject to grant of permission therefore by the concerned authorities in accordance with law. Though the photographs appended to the petition do endorse the appearance or existence of such posters, banners, hoardings etc. at various locations of the city, these per se, in our view, do not testify deliberate inaction on the part of the concerned administrative functionaries in total disregard of the legislations in place. Though the petitioner has averred to have submitted various representations to the respondent-authorities on the issue, none of these has been appended to the writ petition to reinforce her imputation of wilful negligence, laches and passivity of the concerned authorities. In absence of any such representation on record, we are, not inclined ipso facto to sustain this accusation. She has not been categorical as well, as to the specific provision(s) contravened resulting in such affixation.

6. On a consideration of all these, we are not satisfied that the petition is

equipped with the essential ingredients to register a public interest litigation thereon. It is therefore, closed. The above determination notwithstanding, it would remain incumbent for the respondents to examine this issue independently and collectively and take appropriate steps as contemplated by the relevant laws in force. A copy of this order be forwarded to the respondents for doing the needful.