

(2008) 04 DEL CK 0185

In the Delhi High Court

Case No : Writ Petition (C) 12209-10 of 2006

Selvel Media Services P. Ltd.

APPELLANT

Vs

MCD and Others

RESPONDENT

Date of Decision : 01-04-2008

Acts Referred:

Delhi Police Act, 1978 — Section 28

Motor Vehicles Act, 1988 — Section 116(4)

Citation : (2008) 04 DEL CK 0185

Hon'ble Judges : Sanjiv Khanna, J

Bench : Single Bench

Advocate : Pradeep Dewan and R.B. Samaiyar, for the Appellant; Kapil Dutta, for Ajay Arora, for MCD, J.K. Chaudhary, for Aditya Madan, for the Respondent

Judgement

Sanjiv Khanna, J.—The petitioner No. 1 is an advertising company and has filed the present writ petition for direction to respondent-MCD to grant a licence under the provisions of Delhi Municipal Corporation Act, 1957. It is the case of the petitioner that applications filed by the petitioner No. 1 are pending consideration with MCD.

2. Learned Counsel for the respondent No. 3-Delhi Police in their counter affidavit has referred to order dated 20th November, 1997 passed by the Supreme Court whereby directions were given to the civic authorities including DDA, Railways, police and transport authorities to remove all hoardings, which are on the road side and are hazardous and disturb smooth and safe traffic movement. Reference in the counter affidavit is also made to another order dated 16th April, 2001 passed by the Supreme Court. Section 116(4) of the Motor Vehicles" Act, 1988 is also referred to. It is pointed out that a similar provision has been made in Delhi Control of Erection and Exhibition of Advertisement Devices Regulations, 1980, framed u/s 28 of the Delhi Police Act, 1978.

3. It is stated by respondent Nos. 1 and 2 in their counter affidavit that a policy was framed in 2004 with regard to display of advertisements. It is further stated

that proposals received are considered and finalized strictly as per the approved policy.

4. It is pointed out by the learned Counsel for the petitioners that during the pendency of the writ petition, the Supreme Court has issued certain directions and an outdoor advertising policy was finalized on 10th September, 2007. It is stated that the said policy is available on the website of MCD.

5. It is open to the petitioners to move a representation before the MCD for examination of the applications filed by them or, if required, file fresh applications under new policy. Representation or applications, as the case may be, will be considered by the MCD in terms of the directions issued by the Supreme Court and the new policy framed by the MCD. Similarly, in case the petitioner is required to move any application under Delhi Control of Erection and Exhibition of Advertisement Devices Regulations, 1980, steps in this regard will be taken. In case petitioner is not entitled to grant of a licence, a speaking order will be passed and reasons for rejecting the application will be communicated to the petitioner.

With these observations, the writ petition is disposed of.