
(2014) 02 AP CK 0039

In the Andhra Pradesh High Court

Case No : Public Interest Litigation No. 23 of 2014

Trust for Social Justice

APPELLANT

Vs

State of Andhra Pradesh

RESPONDENT

Date of Decision : 24-02-2014

Acts Referred:

Constitution of India, 1950 — Article 21

Hyderabad Municipal Corporation Act, 1955 — Section 420, 421

Citation : (2015) 5 ALD 58 : (2014) 3 ALT 226

Hon'ble Judges : Kalyan Jyoti Sengupta, C.J.; P.V. Sanjay Kumar, J

Bench : Division Bench

Advocate : J.K. Raju, Advocate for the Appellant; G. Madhusudan Reddy, Standing Counsel for Respondent No. 7, Mr. P. Vishnuvardhan Reddy, Asst. Solicitor General for Respondent Nos. 8 and 9, Mr. Avinash Desai, Standing Counsel for Respondent No. 10, Mr. V.V. Prabhakar Rao, Standing Counsel for Respondent No. 11, Dr. I. Sujatha, Advocate for Respondent No. 22, Mr. Nagesh Bheemapaka, Standing Counsel for Respondent No. 23 and Mr. B. Sudhakar Reddy, Advocate for the Respondent

Judgement

Kalyan Jyoti Sengupta, C.J.—This public interest litigation has been filed by the petitioner seeking the following relief:

Issue appropriate writ, order or direction more particularly writ of Mandamus by directing the respondents to take stringent action against the users of dangerous plastic flex boards, banners, posters and hoardings and by declaring the inaction of the respondents to completely ban the usage of hazardous flex material as arbitrary, unreasonable, illegal and violation of Article 21 of the Constitution of India.

In the petition, it has been stated that the respondents, who are in quite a good number, have put up banners and sign boards at various places in the city and also on streets and these banners and cutouts are made up of plastic flex. Those materials, it has been stated, are highly hazardous to environment. It is also stated that fixing of banners, posters and cutouts on streets or setting up of

arches is also contrary to Government Orders and in many a case, permission had not been obtained from the Municipal Bodies. We, at the time of admission of this PIL on 03-02-2014, directed the Greater Hyderabad Municipal Corporation, added as a party respondent, to submit a report stating how many bill boards and sign boards of any description have been erected by any person without obtaining permission. Accordingly, a report has been submitted by the Commissioner, Greater Hyderabad Municipal Corporation. In his report, he stated that as many as 2425 hoardings are permitted to be erected and as many as 740 unauthorized hoardings have been detected and out of them 622 have already been removed and the removal of 114 unauthorized hoardings is under progress. It is stated in the report that Section 420 of the Greater Hyderabad Municipal Corporation Act, 1955 regulates erection of sky-signs with permission and Section 421 of the said Act regulates advertisement display through neon and glow sign boards. This apart, it is stated in the report that there is a Government Order dated 31-12-1996, which reads as follows:

Government have observed that, the Arches/Banners on the Roads of Twin Cities, other Municipal Corporations and Municipalities in the State are coming up indiscriminately. These are hampering the movement of traffic, resulting in accidents besides damaging the roads. Hence, the erection of Arches/Banners on the Roads of Twin cities, other Municipal Corporations and Municipalities in the State is hereby banned with immediately effect.

The Special Officers and Commissioners of Municipal Corporations/Commissioners of Municipalities in the State are directed to implement the above orders scrupulously.

2. In view of the aforesaid revelation of fact, we direct the Commissioner, Greater Hyderabad Municipal Corporation, to review the permissions already granted to persons for erecting banners and sign boards and ascertain whether such permissions are to be allowed to be continued as to its necessity vis-a-vis above G.O. as it is stated in the report, any such permissions shall not be for more than two years at a time.

3. It is stated in the petition that all hoardings, cutouts and sign boards have been put up in violation of the Government Order dated 31-12-1996. According to us, no one is above the law and therefore, no one can flout Government Executive Orders which are still valid and subsisting. In that view of the matter, we think this order of the Government has to be implemented. We direct the Greater Hyderabad Municipal Corporation and other Municipal Corporations and Municipalities in the State to implement the said Government Orders forthwith.

4. It is noticed that some people are projected on streets or public places as important persons and to be adored as national/regional/local hero if not demigod in the minds of young generation and public at large. In our democratic system, no person or individual is to be projected thus, only the Government or Government Body alone and none else. This apart according to us indiscriminate

use of banners and plastic flex materials creates environmental hazards and also visionary pollution as well. Erection of these cutouts and sign boards at a good height also obstructs free flow of winds and it sometimes poses serious threat leading to accidents as the vision of the driver concerned, particularly on flyovers, gets seriously obstructed and/or diverted and he could not notice and observe the object in front of him from a distance. Therefore, we direct the Commissioner, Greater Hyderabad Municipal Corporation, and the Commissioner of Police, Hyderabad, to remove all the cutouts, banners and sign boards which are erected without permission of the Greater Hyderabad Municipal Corporation, on streets or at public places. At the first instance, the Greater Hyderabad Municipal Corporation and the Police Commissioner, Hyderabad, shall issue notice to those persons identifiable who erected unauthorized cutouts, banners, hoardings, sign boards to remove them at their own cost within seven days, failing which they shall be removed and such cost of removal shall be recovered from those persons who installed and erected them as public debt and also by an order of rates and taxes leviable by the Greater Hyderabad Municipal Corporation. The matter will appear one month hence to submit compliance report to this Court. Any person aggrieved by this, may approach this Court and the Court will examine their grievance. In the meantime, the Greater Hyderabad Municipal Corporation and the Police Commissioner, Hyderabad, shall see that no posters, banners and cutouts are erected in public streets or place or park without permission and ensure that this order is strictly followed and submit a progress report about the implementation of this order.