

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NOS.321 AND 322 IN WRIT PETITION (CIVIL) NO.13029 OF 1985
[Hoarding Matter - I.As. filed by M.C.D. against Railways in
response to EPCA Report)

M.C. MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(For directions on behalf of Municipal Corporation of Delhi)

With I.A. Nos.275-277 in Writ Petition (C) No.13029/1985
(With appln(s) for directions, stay and raising objections on
behalf of M/s. Pioneer Publicity Corporation Private Limited)

I.A. Nos.280-282 and 305 in Writ Petition (C) No.13029/1985
[For intervention, direction, stay, for raising objections,
for raising further objections on behalf of Deepak Sethi and
M/s. Shalimar Advertiser]

I.A. No.267 in Writ Petition (C) No.13029/1985
[For intervention on behalf of Indian Outdoor Advertisers
Society]

I.A. No.283 in Writ Petition (C) No.13029/1985
[for directions on behalf of Indian Outdoor Advertising
Agency]

I.A. No.229 in Writ Petition (C) No.13029/1985
[For direction arising out of C.P. No.1/2002]

I.A. No.227 in Writ Petition (C) No.13029/1985
[For directions arising out of C.P. No.259/2000]

I.A. No.230 in Writ Petition (C) No.13029/1985
[For directions arising out of C.P. No.413/2003]

I.A. Nos.253-254 and 315 in Writ Petition (C) No.13029/1985
[for impleadment and directions on behalf of Commissioner
(Retd.) K.V. Singh]

I.A. No.255 in Writ Petition (C) No.13029/1985
[For direction on behalf of M.C.D.]

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I.A. No.268 in Writ Petition (C) No.13029/1985
[On behalf of M/s. Adwel advertising Services]

I.A. No.269 in Writ Petition (C) No.13029/1985
[For directions on behalf of M.C.D.]

I.A. No.273 in Writ Petition (C) No.13029/1985
[for intervention/direction on behalf of Ms. Taranjeet Kaur
Sapra]

I.A. Nos.277A, 278 and 279 in Writ Petition (C) No.13029/1985
[For directions, impleadment and interim stay on behalf of
D.M.R.C.]

I.A. No.317 in Writ Petition (C) No.13029/1985
[For modification of Court's order dated 25/4/2009 on behalf
of D.M.R.C.]

I.A. No.258 in Writ Petition (C) No.13029/1985
[For intervention on behalf of Peasants Welfare Association
and Sudhir Aggarwal]

I.A. Nos.284 to 286 in Writ Petition (C) No.13029/1985
[For impleadment/directions and raising objections on behalf
of Sai Associates]

I.A. Nos.287 to 289 in Writ Petition (C) No.13029/1985
[For impleadment/directions and raising objections on behalf
of Anant Arts]

I.A. No.298 in Writ Petition (C) No.13029/1985
[For directions on behalf of Delhi Advertisers Asscn. (Regd.)]

I.A. Nos.299-301 in Writ Petition (C) No.13029/1985
[Appln.(s) on behalf of M/s. Delhi Waste Management, impleadment,
stay and raising objections]

I.A. Nos.302-304 in Writ Petition (C) No.13029/1985
[For impleadment, stay and raising objections on behalf of
Raminder Singh]

I.A. No.310 in Writ Petition (C) No.13029/1985
[For impleadment on behalf of M/s. Matoo & Waste Holding
Private Limited]

I.A.Nos.325-327 in Writ Petition (C) No.13029/1985
(For impleadment, permission to file objection to the EPCA
Report, November, 2009, and stay)

Writ Petition (C) No.51 of 2009

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I.A. No.328 in Writ Petition (C) No.13029 of 1985
(Appln. for directions on behalf of DTC)

Date: 08/10/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

Mr. Harish N. Salve, Sr. Adv. (A.C.) (N/P)
Mr. U.U. Lalit, Sr. Adv. (A.C.) (N/P)
Mr. Siddarth Chowdhury, Adv. (A.C.) (N/P)
Mr. A.D.N. Rao, Adv. (A.C.)
Mr. Bharat Ram, Adv.

For Petitioner(s) In-person (N/P)

Mr. S.W.A. Qadri, Adv.
Ms. G. Dara, Adv.
Ms. Saima Bakshi, Adv.
Mr. Mohd. Minnatullah, Adv.
Mr. D.S. Mahra, Adv.
Mr. M.P.S. Tomar, Adv.
Mr. S.S. Rawat, Adv.
Ms. Anil Katiyar, Adv.

Ms. Shiel Sethi, Adv.

Ms. Rekha Palli, Adv.

Mr. Anoop G. Choudhary, Sr. Adv.

Ms. Geetanjali Mohan,Adv.

Mr. Sibbo Sankar Mishra,Adv.

For Respondent(s)

Mr. Praveen Swarup,Adv.

Ms. Anuja Chopra,Adv.

Mr. S.W.A. Qadri,Adv.

Mr. S. Saini,Adv.

Mr. N.S. Pundir,Adv.

Ms. G. Dara,Adv.

Ms. Saima Bakshi,Adv.

Mr. M.P.S. Tomar,Adv.

Mr. S.S. Rawat,Adv.

Ms. Anil Katiyar,Adv.

Mr. D.S. Mahra,Adv.

Mr. S.N. Terdal,Adv.

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Mr. Anoop G. Chaudhari,Sr.Adv.

Ms. Geetanjali Mohan,Adv.

Mr. R.K. Rathore,Adv.

Mr. Manoj Kaushik,Adv.

Mr. A.K. Sharma,Adv.

Mr. D.S. Mahra,Adv.

Ms. A. Subhashini,Adv.

Ms. Geetanjali Mohan,Adv.

Ms. Kavita Wadia,Adv.

Mr. Tarun Johri,Adv.

Mr. D.N. Goburdhan,Adv.

Dr. Monika Gusain,Adv.

Mr. Hariom Yaduvanshi,Adv.

Mr. Surya Kant,Adv.

Mr. V.B. Joshi,Adv.

Ms. Sheil Sethi,Adv.

Mr. Parijat Sinha,Adv.

Ms. Sushma Suri,Adv.

M/s. M.V. Kinni Associates,Advs.

Mr. Vijay Panjwani,Adv.

Mr. Praveen Jain,Adv.

Mr. Mukesh Kumar,Adv.

M/s. M.V. Kini Associates,Advs.

Mr. Nikhil Nayyar,Adv.

Mr. Subramoniam Prasad,Adv.

In-person (N/P)

Ms. Vijay Lakshmi Menon,Adv.

Mr. Prashant Kumar,Adv.

Mr. Ejaz Maqbool, Adv.

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Mr. Rauf Rahim, Adv.

Mr. Shailendra Swarup, Adv.

Mr. S.K. Verma, Adv.

Mr. Pramod Dayal, Adv.

Dr. Kailash Chand, Adv.

Mr. Maninder Singh, Sr. Adv.

Mr. Pawan Bindra, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. Goodwill Indeevar, Adv.

Mr. Manjit Singh, AAG, Haryana

Mr. Kamal Mohan Gupta, Adv.

Dr. Manish Singhvi, AAG., Rajasthan.

Mr. D.K. Devesh, Adv.

Mr. Sahil S. Chauhan, Adv.

Mr. Milind Kumar, Adv.

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

Mr. Sunil Mund, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A. Nos. 275-277:

Right from 10th December, 1997, this Court has been monitoring erection of hoardings in Municipal Corporation of Delhi, New Delhi Municipal Council and National Capital Territory of Delhi areas. The first Order of this Court in this connection was passed as far back as on 10th December, 1997, wherein it was observed that safety

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of road users was paramount and that hazardous hoardings which constituted disturbance of safe traffic movement needs to be obliterated so that frequent accidents do not take place endangering the lives of common citizens. With that object in mind, this Court, in the first instance, invoked Article 32 read with Article 142 of the Constitution, as indicated in its Order reported in 1997 (8) S.C.C. 770.

This Court appointed Bhure Lal Committee to look into the problem as the Court felt that certain guidelines were required to be laid down for civic authorities, transport authorities, Delhi Development Authority, etc. Identification and removal of all hoardings, which are hazardous had to be done systematically and, for that purpose, Bhure Lal Committee was appointed. We find from the records placed before us that Environment Pollution (Prevention and Control) Authority

['EPCA', for short], has till date, submitted two important Reports of July, 2008, and November, 2009, which need to be considered by the Municipal Corporation of Delhi ['MCD', for short] and the New Delhi Municipal Council ['Council', for short] in accordance with law.

Having heard learned counsel appearing for the Amicus Curiae as well as for the MCD, we are of the view that the MCD should consider EPCA Reports of July, 2008 and November, 2009, along with the Delhi Outdoor Advertisement Policy of 2008, in accordance with the provisions of Delhi Municipal ...7/-

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Corporation Act, 1957 ['1957 Act', for short], in the meeting to be convened by the Corporation under the provisions of Chapter-V of 1957 Act. The Corporation will consider the said two Reports of EPCA within a period of three months. We express

no opinion on the said Reports. The decision of the Municipal Corporation of Delhi will be placed before this Court before the next date of hearing.

Similar directions are also being given to New Delhi Municipal Council, which will consider EPCA Reports of July, 2008, and November, 2009, along with Delhi Outdoor Advertisement Policy, 2008, within a period of three months from today under the provisions of New Delhi Municipal Council Act, 1994. The decision of the Council will be placed before this Court before the next date of hearing.

The matter shall stand over for three months. Copies of Orders be sent to Municipal Corporation of Delhi and New Delhi Municipal Council. This Order is directed to be placed on the website of this Court.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar