

All the three writ petitions are in the nature of public interest petitions. The prayer in Writ Petition No.57990 of 2017 is to direct the respondents to implement the Karnataka Open Places (Prevention of Disfigurement) Act, 1981 within the limits of the Bruhat Bengaluru Mahanagara Palike (BBMP) by framing rules and regulations. It is next prayed in the said petition to direct the respondents to obey the order dated 17.07.2015 passed by this Court in Writ Petition No.22810 of 2012. The said writ petition was also a public interest petition and the prayer made was the same in which the Court directed the respondents to ensure the implementation of the aforesaid Act of 1981.

2. In the other two writ petitions, the prayer is to direct the authorities to take action to remove unauthorised flexes and hoardings which are illegally displayed on the public roads and in different areas of the City. It is also prayed to take action against the illegal and unauthorised advertisers.

2.1 The respondents in the petitions are State of Karnataka represented by Urban Development Department, the Commissioner, Bruhat Bengaluru Mahanagara Palike (BBMP) and the Commissioner of Police, Bengaluru.

2.2 Learned Additional Advocate General Smt. Prathima Honnapura submitted that the draft regulations are framed in relation to the subject and for regulating the placement of flexes and hoardings which are approved by the State Government. It was stated that it is for the BBMP to notify the same and to invite the objections.

2.3 Learned advocate Mr. B.L.Sanjeev appears for BBMP and tenders affidavit, which is taken on record.

3. The issue which is espoused and flagged in the present public interest litigations is about illegal placement of flexes and hoardings on the roads of the City which become obstruction to the traffic and the pedestrians who use the footpath and the roads. It is the allegation that the hoardings are placed with personal motives in collusion with the officers of the BBMP.

3.1 The petitions were filed as back as in the years 2017 and 2018 and have witnessed several orders. The record is replete with the orders in which the directions were given by the Court from time to time to the Authorities, especially the BBMP and the office of the Commissioner of Police.

3.2 The last order was passed on 18.01.2024 by the Co-ordinate Bench which reads as under,

“Learned counsel Sri.N.K.Ramesh appearing for the respondent-BBMP submits that now the matter is assigned to learned Panel Counsel Sri.B.L.Sanjeev, and he would be appearing in these matters. Learned counsel Sri.B.L.Sanjeev submits that he will file his Note/Memo of Appearance or Power within one week from today and prays for some more time on the ground that he is waiting for instructions so as to make submissions on merits. At his request, two weeks time is granted.

Learned Senior Counsel, Prof. Ravivarma Kumar appearing for the Petitioners submits that in spite of various directions issued by this Court that they are still functional & operational, there is a huge rise in display of banners & hoardings in Bengaluru City. These are installed mainly in the busy areas causing public inconvenience & congestion of traffic. Added, they uglify this beautiful City. Huge ‘public’ revenue is lost because of clandestine acts of a section of officials of BBMP, who are hand in glove with the beneficiaries. Till date even tariff is also not notified, despite statutory mandate.

Mr.G.R.Mohan, learned counsel submits that he has filed Memo dated 21.12.2023 in this Court, giving necessary details of such hoardings & banners. A copy of the Memo needs to be supplied to the learned counsel Sri.B.L.Sanjeev who is his appearing for Respondent-BBMP today. We direct that on the next date, the Respondent-BBMP shall submit the Action Taken Report pursuant to our earlier orders and file reply to the above Memo dated 21.12.2023 in respect of those hoardings & banners. The Reply shall mention as to whether any prior permission was sought for from the Respondent-BBMP for such installation. If without any such permission, the banners & hoardings have been installed, what action was taken or is proposed to be by the respondent-BBMP against the erring officers, including any departmental action/inquiry shall be put on record. In case, the Report indicates that these banners & hoardings are erected/installed without prior permission of BBMP or without depositing the requisite fees, this Court may pass appropriate orders against the persons levying exemplary costs in addition to reporting the matter to the jurisdictional police.

In our order dated 02.08.2023, particularly at para 23, we have observed as under:

“We further state that after three weeks, if it is reported to this Court that the hoardings/ flexes/ banners/ advertisement materials are erected unauthorisedly or illegally, against each of such hoardings/ flexes/ banners/ advertisement materials, cost of Rs.1,00,000/- (Rupees One Lakh only) is to be deposited in this Court. Out of Rs.1,00,000/- (Rupees One Lakh) a sum of Rs.50,000/- (Rupees Fifty Thousand only) is to be deposited by the respondent BBMP and a sum of Rs.50,000/- (Rupees Fifty Thousand only) is to be deposited by the State Government in this Court.”

Needless to state that this order still continues.

Learned Senior Counsel Professor Ravivarma Kumar vehemently submitted that in spite of directions of this Court, hoardings & advertising materials are being erected without permission from BBMP or sans depositing the requisite fees, and therefore, this Court may pass appropriate orders/directions for prohibiting erection of such banners/hoardings/ advertisements today itself. At this stage, in our considered opinion, without there being any specific material is placed on record, issuance of such a blanket direction may not be appropriate. As such, we will consider the submission of Prof. Ravivarma Kumar on the next date, and after looking into the Action Taken Report to be filed by the Respondent-BBMP as directed above.

In the meantime, Petitioners are permitted to supply/serve materials in the form of Memo/Application to the Mr. Sanjeev learned Panel Counsel appearing for Respondent-BBMP.

List on 20.02.2024.”

3.3 The directions in the aforesaid order dated 18.01.2024 read with the other orders passed from time to time are self-eloquent.

4. When the petitions are considered today, attention of the Court was drawn to a news item figuring in “The Times of India” dated 11.07.2024 titled “Flexes menace continues; elderly man battles for life”. The boxed news item suggests that the BBMP had to remove over 6,877 illegal advertisements. The contents of the news item only depict a very sorry state of affairs. More particularly, in light of the various orders passed in the aforesaid public interest petitions including the order dated 18.01.2024.

4.1 A copy of news-clipping as above is attached to this order.

4.2 This Court takes suo motu cognizance of the aforesaid news item in the newspaper. From the news item two things are definitely suggested.

4.3 Firstly, the illegal activities of placing the hoardings in the streets and elsewhere continues unabated. Not only that, they amount to brazen disregard of the orders passed by the Court. It could hardly be said that the respondent-authorities are not aware about the orders of the Court which are operative in the pending public interest petitions. The parties are represented by their respective advocates.

4.4 Secondly, the very fact that the BBMP had to remove lakhs of such flexes or advertising hoardings show that, scant regard is shown for implementing the orders of the Court. The menace, as rightly titled, continues and it continues in violation of the Court's order.

4.5 In addition to the pending writ petitions, the aforesaid news item is treated as suo motu Public Interest Petition for invoking powers of this Court under Article 226 of the Constitution.

4.6 In relation to the said news item and the contents thereof read with the subject matter of the present writ petitions and the directions issued therein, the notice shall go to the following respondents,

1. State of Karnataka,

(Notice to be served through the
Chief Secretary)
Vidhana Soudha
Bengaluru

2. Bruhat Bengaluru Mahanagara Palike

(Notice to be served through the
Commissioner)
Corporation Circle
N.R. Square, Bengaluru

3. The Commissioner of Police

City of Bengaluru
Office of the Commissioner of Police
Bengaluru

5. The earlier order dated 02.08.2023, in particular paragraph 23 thereof in which it is provided that if the hoardings, flexes, banners and advertisements still continue to be erected, it will entail the cost of Rs.1,00,000/- and like. Despite the deterrent directions as above, it is evident that the authorities have not cared to comply with the Court's order. The pending orders which are operative and the situation report reflected in the aforesaid news item showing the continued activity of placing the illegal hoarding, is a conduct contumacious on part of the respondent-authorities especially, the Commissioner of BBMP and the Commissioner of Police.

5.1 In the facts and circumstances of the case, in addition to the notice and the present suo motu proceedings, the Court is inclined to seek answer from the said two authorities as to why they should not be booked for the contempt of court. Therefore, notice shall also include to the said two authorities, namely, the Commissioner of BBMP and the Commissioner of Police, Bengaluru to explain to the Court as to why the proceedings under the Contempt of Courts Act, 1971 should not be initiated against them.

6. The notice shall be returnable on 26.07.2024.

These proceedings shall be listed along with Writ Petition No.57990 of 2017 and connected petitions on 26.07.2024.

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