

CJ & SSJ:
24.11.2018

W.P.No.57990/2017 c/w
W.P.Nos.8301/2007, 5703/2018,
CCC No.1792/2018 &
CCC Nos.1883-1892/2018,
CCC No.1866/2018

As regards several aspects involved in these matters, the position as obtaining today with reference to the submissions made by learned counsel for the parties and further requirements on the part of respective parties could be summarized as follows:

i) Shri Uday Holla, learned Advocate General has pointed out that, as per his instructions, as against the judgment dated 30.10.2018 by the XXVI Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru City, the accused Nos.1 and 2 have filed a revision petition in this Court bearing Crl.R.P.No.1272/2018 and the accused No.3 has filed another revision petition bearing Crl.R.P.No.1273/2018, but they have not yet surrendered. Copy of the judgment dated 30.10.2018 has not been placed on record yet.

ii) Shri V. Sreenidhi, learned counsel appearing for the Bruhat Bengaluru Mahanagara Palike ('BBMP') submits that, as per his instructions, the remaining 55 hoardings/structures which

were found totally unauthorized have been removed. It is further pointed out that a summary with necessary particulars relating to about 1806 number of hoardings, which are either the subject-matter of litigation or regarding which adjudication orders have been passed by the BBMP shall be placed on record.

iii) As regards the report from CIPET, Chennai, Shri Gururaj Joshi, learned counsel appearing for the Karnataka State Pollution Control Board ('KSPCB') has filed a memo today placing on record the interim test report received in relation to the 8 samples. It is pointed out that 3 day test of confirmation of 'PVC-free by the DSC, FTIR etc.,' has been carried out and, in all the 8 samples, presence of PVC has not been found evident. It is further pointed out that sample Nos.1, 2 and 4 sent to CIPET, Chennai are said to be made of synthetic fabrics with polymer coating, whereas the remaining samples are made of cotton fabric and therefore, recyclability analysis as per IS 14534 would be applicable in relation to the sample Nos.1, 2 and 4 only. Shri Joshi submits, on instructions, that such report having lead time of 15 days would be available by 27.11.2018.

iv) Learned counsel appearing for the respective applicants, who have given the samples for testing would be expected to keep such samples available before the Court on the next date. The advertisers, who have not filed any application in this Court, but had supplied the samples to the BBMP (sample Nos.1, 2 and 8 sent to Chennai) may be requested by the BBMP to supply them sufficient quantity of samples to be placed before the Court on the next date.

v) The steps taken by the Traffic Police and Transport Department for terminating use of flex material on transport vehicles is to be submitted by way of affidavit. Learned Advocate General submits that such affidavit shall be filed after taking instructions before the next date.

vi) Learned counsel for the BBMP submits that as regards CCC No.1792/2018, CCC Nos.1883-1892/2018 and CCC No.1866/2018, the response is almost ready and the same shall be filed by 27.11.2018.

vii) Shri C. Shashikantha, learned Assistant Solicitor General has filed an affidavit of the Principal Director (Senior Principal Scientist) at CIPET, Bengaluru, pointing out, *inter alia*,

that in fact, the response to Pollution Control Board's, letter dated 12.09.2018 was sent by e-mail on 17.09.2018. Learned counsel for the KSPCB prays and is granted time to file his response affidavit in this regard.

viii) Learned counsel for the petitioner in W.P.No.57990/2017 has filed a memo raising questions as regards the particular hoardings/structures. Learned counsel for the BBMP to complete his instructions and file his response in that regard on the next date.

ix) Learned counsel for the petitioner in W.P.No.5703/2018 has also filed an additional affidavit raising objections as regards the methods adopted by the BBMP and the concerned police officers in relation to the operation of the Karnataka Open Places (Prevention of Disfigurement) Act, 1981. Learned counsel for the petitioner to file a translation copy of the FIR before the next date. Learned Advocate General as also learned counsel for the BBMP may file their response to this affidavit on the next date.

x) Learned counsel for the applicant of I.A.No.4/2018 has filed another affidavit today and it is submitted that the BBMP has unauthorisedly removed 2 of its hoardings without adjudication

and in an entirely illegal manner. It is submitted that high handed action of the BBMP officers has been pointed out by way of the letter dated 19.11.2018. It is pointed out that earlier, in relation to similar action concerning another hoardings/structure, an affidavit was filed on 26.10.2018. Learned counsel for the BBMP prays for and is granted time for filing response to both these affidavits i.e., one filed today and another filed on 26.10.2018.

xi) Learned counsel for the BBMP has pointed out that the proceedings contemplated by Section 426 of the Municipal Corporation Act, 1976 are under way for finalizing the advertising policy and framing of the bye-laws. It is submitted that earlier the draft bye-laws was sent to the Government for publication in official gazette; the publication was made on 25.09.2018 inviting objections until 25.10.2018; about 1200 suggestions/objections have been received; and in 800 of such suggestions/objections, personal hearing is sought, for which steps are being taken by the BBMP and the process of such personal hearing shall be completed at the earliest. The submissions are taken note of. A copy of the gazette publication of the proposed bye-laws may be placed on record.

xii) During the course of submissions, learned counsel for the petitioner in W.P.No.5703/2018 has indicated that there remains likelihood of the flex material being used at some of the places even by the BBMP itself. Learned counsel for the BBMP has submitted, after taking instructions, that wherever the advertisements are put up by the BBMP, only cloth material is being used and flex material has not been used. The submissions are taken note of.

List these matters on 01.12.2018, as prayed.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**