

Devan Ramachandran, J.

W.P(C)No.22750 of 2018

Dated this the 19th day of October, 2022.

ORDER

The suspicion of this Court have turned true because the Secretaries of Aluva and Kalamassery Municipalities very candidly confess before me, during their interaction today, that they are scared of political pressure, muscle power and other influences, when they set upon to implement the orders of this Court, to remove the unauthorised Boards and Flags from their territory.

2. Sri.Asok M.Chерian - learned Additional Advocate General, instructed by Sri.Syam Prasanth - learned Government Pleader, however, submitted that every Secretary of the Local Self Government Institutions must act fearlessly and without favour and that the concerned police authorities will give full support for the same; and to

a pointed question from this Court, he confirmed that every officer must act without apprehension and that any political pressure and such other, brought upon them, will be dealt with in terms of the strictest provisions of law.

3. The afore stand of learned Additional Advocate General certainly is gratifying, but it has to translate into real action.

4. In fact, the Station House Officers of Aluva and Kalamassery Police Stations were also present and one among them submitted that the Police Department have no fear and will act as directed by this Court.

5. As I have said in the order dated 17.10.2022 the afore officers were summoned, not because violations happen only within their areas, but since the learned Amicus Curiae - Sri.Harish Vasudevan, specifically mentioned Aluva and Kalamassery. Today, he says that the highest violations happen in Thiruvananthapuram, which is the Capital of the State; and that in every other Local Self Government Institutions, such illegal Flags, Boards and

Banners are ubiquitous.

6. As has been always said, this Court is trying to control this menace for several years; and when it comes upon them hard, the Authorities act and the Boards and Banners are removed; but the perpetrators are emboldened to do it again, which has now become a virtual mockery.

7. I am certain that I cannot allow this to continue; or, as I have also said in the order dated 17.10.2022, the Government must come clean and tell me that this Court need not continue with this endeavour and allow Kerala to be what it was 3 or 4 years ago.

8. Pertinently, the learned Additional Advocate General does not only say so; but added that the Government is serious and supports this Court every step.

9. Before I move on, I must remind the stakeholders that the climate and weather of our State is now dangerously unpredictable. Times have gone where one could say that we would face a particular climatic

condition at a particular time, and we are now at the mercy of the vagaries of nature; which makes it much more important for us to be aware of the deleterious consequences of actions such as placing of Boards and Banners thoughtlessly, without mind to the manner in which it has to be disposed of. This is incongruous in the modern times, when countries around the world are attempting to find novel solutions to control their waste; but in our State, powerful persons and entities are adding to the load solely for self propagation and self advertisement and they are apparently being able to do so without fear.

10. This has to change and it can happen only if this Court continues its iron grip over the menace.

11. Since the various other suggestions earlier made and ordered by this Court have not borne fruit to the extent that I would have expected, and since the implementation of them appear to be extremely lackadaisical, perhaps because the Officers concerned and

the Government are more concerned about the political fall out, I am sure that an innovation will have to be thought of.

12. I, therefore, proposed at the Bar that, instead of making the Secretaries of the Local Self Government Institutions alone responsible, they should be assisted by a Committee consisting the Police, National Highway Authority Officers and the Authorities of the PWD. There should also be a District Monitoring Committee consisting of the District Joint Director of Local Self Government Institution, Executive Engineer of PWD, District Police Chief and the Project Director of National Highway Authority of India to monitor the actions of the afore suggested Committees.

13. The learned Additional Advocate General submitted that he does not oppose this suggestion; but that he will require instructions to be obtained from the Government, if he has to make an affirmative reply.

14. However, I do not think that this Court need to wait for the reply of the Government in this regard because when the Secretaries of the Local Self Government Institutions confess that they are fearful of the entities who place the illegal Boards - especially when they are political parties, Trade Unions and such other - I am certain that the aforesaid Committees will have to be now constituted, so that this Court can have a control over them, through the mechanisms that I propose.

15. Resultantly, I order that the Secretary to Local Self Government Department issue immediate orders, not later than seven days from today, constituting the afore Committees:

A. The Committee at the level of every Local Self Government Institutions, comprising of:

a. Its Secretary;

b. The Station House Officer of the Police Station/
Police Stations involved;

c. The competent Official of the National Highway Authority of India and

d. The competent Engineer of the PWD.

B. District Monitoring Committee, comprising of:

a. The District Joint Director of the Local Self Government Institution;

b. The Executive Engineer of the PWD;

c. The District Police Chief/Deputy District Police Chief and

d. The Project Director/Competent equivalent Authority of the NHAI.

The Local Self Government Institution level Committees will survey the territories under it at least every two weeks and remove all illegal Boards, Flags, Banners and such other, returning it to the persons who placed the same, along with registration of necessary FIRs, not in the name of the entities, but in the name of persons behind it; and make sure that prosecution and such other steps are launched.

The Committees will further make sure that no new Boards and Flags are erected and that every person who does so are apprehended and brought to justice.

In addition and from now onwards the advertisement Agencies/Entities which erect these Boards Banners, Flags, Festoons and such other, in violation of the earlier orders of this Court shall immediately be notified of cancellation of their license, and necessary further action in this regard shall be completed.

The proper performance of the Committees at the Local Self Government Institution level will be the responsibility of its Secretaries and if he is to find any deficiency in the same he/she will be at liberty to report it to the District Monitoring Committee.

As far as the District Monitoring Committees are concerned, they will supervise the actions of the Committees at the Local Self Government Institution level and take necessary action, including by making recommendations under the applicable service law against

any Authority who is found failing in the duties entrusted by this Court.

I make it clear that this Court will hold the District Monitoring Committees also responsible for any failure of the respective Local Self Government Institution Committees and the District Joint Director of the Local Self Government Department will be personally held liable for such actions, if it is unable to explain properly.

As far as the National Highways are concerned, Sri.Bidan Chandran – the learned Standing Counsel, affirms that except sign boards, nothing else is permitted on the Highways under the statutory scheme. He added that, before any other Board or advertisement is to be kept, the persons/entities have to obtain prior permission and license under the provisions of the Control of National Highways (Land and Traffic Act), 2002.

Since the Authorities of the National Highway are also drafted into the afore Committees, they must now take action on war footing to remove all the unauthorized

Boards, Banners and Flags from the Highways and report appropriately to the District Monitoring Committee. It is so ordered.

I record that the learned Additional Advocate General has raised no objection to the afore orders of this Court; and therefore, I further direct that every illegal Board, Banner and Flag on the streets of the State in violation of the orders of this Court, shall be removed forthwith and without waiting for the constitution of the afore Committees formally; and that the Station House Officers in charge of the various police stations will offer full support to the same.

As far as Aluva and Kalamassery are concerned, the Secretaries assure that the areas under their territories will be cleared today (19.10.2022) and tomorrow (20.10.2022); and I record the same. If there is any disruption to their activities or to that of their squads, the District Police Chief shall take serious note of the same and bring to book every person who is responsible.

List this matter for further consideration on 15.11.2022; within which time, the Secretary to Local Self Government Department will file compliance report, including any steps or measures required in furtherance to the directions of this Court.

Handover.

Sd/-

**DEVAN RAMACHANDRAN
JUDGE**

Raj/19.10.2022