

Devan Ramachandran, J.

**W.P.(C)Nos. 22750 of 2018, 25784 of 2018 and
42574 of 2018**

Dated this the 19th day of January, 2022

ORDER

Apparently, as is also reported by the learned Amicus Curiae - Sri.Hareesh Vasudevan, merely because this Court has not issued orders for the last few months, unauthorized Boards/Banners/Flags have now come to occupy the public spaces in the State, even though the Road Safety Commissioner has issued an order dated 06/02/2020, banning the placing of the same on any public space, including pedestrian paths, pedestrian railings, medians, traffic Islands etc.

2. However, various persons and entities seem to have gained an impression that they can still violate this and that no action will fall upon them.

3. Through the advent of various orders passed by this Court - which are more than 20 or 25 in number

- the stakeholders, including the Secretaries of the Local Self Government Institutions have been sufficiently warned, including that they will be personally responsible for the cost of the unauthorized installations. Pertinently, every time this Court passed orders to remove them, they were complied with, but it would simply return because the resolve to ensure that it is finally rid of is lacking.

4. Sri. Hareesh Vasudevan – learned Amicus Curiae informs this Court that one reason why this menace has not been fully controlled is because advertising agencies are entrusted with the task of installing them, who do so without even being aware of the laws involved, particularly, because some of their workmen are not from Kerala.

5. Taking note of the afore submissions and since any installations can be made on the public places only under the specific sanction of the Secretary of the Local Self Government Institution involved, this Court is now of

the firm view that certain additional directions will also have to be issued, before this writ petition is disposed of finally.

6. In the afore circumstances, I make the following directions in addition to the ones which have already been issued:

- (a) The Secretaries of the Local Self Government Institutions shall immediately begin a drive to remove all the unauthorized Boards/Banners/Flags which are contrary to the directions of this Court and in violation of the order of the Road Safety Commissioner; and return them to the perpetrators without dumping it in the public waste disposal systems, within a period of thirty days from today. Necessary directions to the various Secretaries of the Local Self Government Institutions shall be issued by the Director of Panchayats and by the Director of Urban Affairs, by way of Circulars/Orders, within a period of five days

from today.

- (b) Every unauthorized Board/Banner/Flag etc. remaining after the afore period – as has been already declared by this Court – shall be the personal responsibility of the Secretaries of the Local Self Government Institutions, as also the Field Staff thereof, which will invite necessary action as per law.
- (c) No Advertisement Agency/Entity shall be entitled to fix any unauthorized Board/Banner/Flag or such other in violation of the orders of this Court or contrary to the order of the Road Safety Commissioner; and for this purpose they shall make such installations only after they are provided the necessary sanction from the Secretary of the Local Self Government Institutions, and in no other manner. Every Board/Banner/Flag which shall be printed by the Advertisement Agencies/Printing Presses shall contain their addresses and phone numbers displayed at its lower end, so that

necessary action can be taken in the event of any violation found against them by the competent Authorities.

- (d) Any Boards/Banners/Flags hereinafter printed without the details of the Printing Press/ Advertising Agency as above, will be deemed to be illegal, inviting stringent action, including under the Indian Penal Code and the Land Conservancy Act.
- (e) Any violation of the directions in (b), (c) and (d) above will also entail the cancellation to the licenses to the Printing Press/ Advertising Agencies, subject to a proper enquiry being completed.

List this matter for further consideration on 21/02/2022.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

ANB