

[ 3418 ]

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**MONDAY ,THE FOURTEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT APPEAL NO: 1173 OF 2024**

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 04/09/2024 passed in W P No 14255 of 2024 and on the file of the High Court.

**Between:**

Ikar Outdoor Advertising, Rep By it. Managing Partner Mohd Rasool S/o Late Mohd Ibrahim age. 59 Yrs, R/o. 8-2-596/2/1.1st Floor, Road No 10, Banjara Hills, Hyderabad-500034.

**...APPELLANT**

**AND**

1. The Union of India, Represented by its Secretary, For Defence, New Delhi.
2. The Secunderabad Cantonment, Board Represented by its The Chief Executive Officer Sardar Patel Road, Court Compound, Secunderabad-500003.
3. The Secunderabad Cantonment, Board Represented by its Board Sardar Patel Road, Court Compound, Secunderabad-500003

**...RESPONDENTS**

**IA NO: 2 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive the Copy of invitation of tender, issued by the Cantonment Board, for erection of Unipoles in the Cantonment area dated 08/02/2024 vide eNIT-No.. SCB/RS/Adv.Unipole/2023-24/296, which fact was suppressed by the 2nd respondent and not known to the appellant herein

**IA NO: 3 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to notice issued by the second respondent vide notice No.SCB/RS/Roof top hoardings/Notice/910 dated 21/05/2024

**Counsel for the Appellant: SRI. CHETLURU SREENIVAS**

**Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR  
Dy. SOLICITOR GEN. OF INDIA**

**Counsel for the Respondent Nos. 2&3: SRI SRIKANTH KAVETI REP  
SRI K.R. KOTESHWAR RAO**

**The Court made the following: JUDGMENT**

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Appeal No.1173 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Chetluru Sreenivas, learned counsel for the petitioner.

Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India appears for respondent No.1.

Mr. Srikanth Kaveti, learned counsel represents Mr. K.R.Koteshwar Rao, learned counsel for respondents No.2 and 3 (cantonment board).

2. With consent of learned counsel for the parties, the appeal is heard finally.

3. This intra court appeal is directed against the common order dated 04.09.2024, passed by a learned Single Judge in W.P.No.14255 of 2024 and batch.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant is an outdoor advertising agency and has erected hoardings on various residential and commercial buildings. It is the case of the appellant that they have erected hoardings by maintaining all safety standards. The Chief Executive Officer of the cantonment board (respondent No.2) had issued notification dated 12.06.2023 directing that all the roof top hoardings along with its structures be removed immediately, in view of public safety, on or before 30.06.2023. Appellant had challenged the validity of the aforesaid notice in W.P.No.16337 of 2023, which was disposed of by a learned Single Judge by an order dated 11.12.2023, by which the impugned notice dated 12.06.2023 was set aside on the ground that the same is in violation of the procedure prescribed under Sections 297 and 318 of the Cantonments Act, 2006.

Respondent No.2 was directed to afford an opportunity of hearing and to proceed afresh.

5. Thereafter, on 21.05.2024, the cantonment board issued individual notices to the advertising agencies. Again, the cantonment board published notice in the newspapers on 22.05.2024 directing removal of all roof top hoardings along with structures within a period of fifteen days from the date of notice.

6. The appellant challenged the aforesaid notice in writ petition No.14255 of 2024. The learned Single Judge, by the impugned order dated 04.09.2024 passed in W.P.Nos.14255 of 2024 and batch *inter alia* held that the cantonment board has adhered to the procedure by issuing notices and the power of the cantonment board is traceable under Section 297 of the Act. It was further held that the appellant has not been able to demonstrate that

the policy adopted by the cantonment board for removal of the hoardings is either discriminatory or arbitrary. It was further held that the regulatory powers have been invoked by the cantonment board to prescribe the size and height of the advertisement hoardings to prevent any untoward incident. Accordingly, the writ petition was dismissed. Hence, this appeal.

7. Learned counsel for the appellant submits that the impugned action has been taken without affording any opportunity to the appellant and the hoardings erected by the appellant conform to the public safety requirements.

8. On the other hand, learned counsel for the cantonment board has supported the order passed by learned Single Judge.

9. We have considered the submissions made on both sides and have perused the record.

10. The contention of the appellant that the hoardings erected by it are in conformity with the permission granted by the cantonment board and conforms to the public safety standards is required to be examined before directing removal of the hoardings erected by the appellant. Therefore, we direct that public notice dated 22.05.2024 shall be treated as a notice. The appellant is granted liberty to respond to the aforesaid notice within a period of ten days from the date of receipt of a copy of the order passed today.

11. Cantonment board shall consider the response filed by the appellant, and after affording an opportunity of hearing to the appellant, take a final decision in the matter.

Till the final order is passed, the cantonment board shall not remove the hoardings erected by the appellant.

12. It is clarified that this Court has not expressed any opinion on the merits of the matter.

13. To the aforesaid extent, order dated 04.09.2024, passed by the learned Single Judge in W.P.No.14255 of 2024, is modified.

14. In the result, the Writ Appeal is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

//TRUE COPY//

SD/-T. SRINIVAS  
DEPUTY REGISTRAR  
SECTION OFFICER

To,

1. The Secretary, Union of India, For Defence, New Delhi.
2. The Chief Executive Officer Secunderabad Cantonment, Board Represented Sardar Patel Road, Court Compound, Secunderabad-500003.
3. The Secunderabad Cantonment, Board Represented by its Board Sardar Patel Road, Court Compound, Secunderabad-500003
4. One CC to SRI. CHETLURU SREENIVAS, Advocate [OPUC]
5. One CC to SRI. GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA [OPUC]
6. One CC to SRI. K.R. KOTESHWAR RAO, Advocate [OPUC]
7. Two CD Copies

BM  
BS





CC TODAY

**HIGH COURT**

**DATED:14/10/2024**



**JUDGMENT**

**WA.No.1173 of 2024**

**DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS**

⑨  
14/10/24  
lws