

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

**TUESDAY, THE FIFTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR**

**PRESENT**

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

**WRIT APPEAL NO: 1243 OF 2024**

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 04/09/2024 passed in W.P.No.13829 of 2024 on the file of the High Court.

**Between:**

The Ad-Space, Rep by its Proprietor N.Ganesh Kumar S/o N.Ramulu Age. 60 years, Occ. Business R/o 2-2-1137, G3, Parimala Pride, Behind Ramalayam Temple New Nallakunta, Hyderabad

**...APPELLANT**

**AND**

1. The Union of India, Ministry of Defense Rep by it Secretary Room No.305, B-Wing Sena Bhawan New Delhi.
2. The Secunderabad Cantonment Board, Rep. by its Chief Executive Officer, #4-01-001, Court Compound, Sardar Patel Road Secunderabad-500003

**...RESPONDENTS**

**Counsel for the Appellant: SRI T.S.PRAVEEN KUMAR**

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

**Counsel for the Respondent No.2: SRI K.R.KOTESHWAR RAO, SC FOR SCB**

**The Court delivered the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.1243 of 2024**

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

Mr. T.S.Praveen Kumar, learned counsel for the appellant.

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

Mr. K.R.Koteshwar Rao, learned counsel for the respondent No.2 (Cantonment Board).

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

3. This intra court appeal is directed against the order dated 04.09.2024, passed by the learned Single Judge in W.P.No.13829 of 2024, which was disposed of along with other writ petitions.

4. Facts giving rise to filing of this appeal briefly stated are that the appellant is an 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 had issued notification dated 17.06.2023 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.16614 of 2023, which was disposed of by a learned Single Judge by an order dated 11.12.2023, by which the impugned notice dated 17.06.2023 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 (hereinafter referred to as, "the Act"). The 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.13829 of 2024. The learned Single Judge, by the impugned order dated 04.09.2024, *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. The 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.13829 of 2024 is modified.

14. In the result, the Writ Appeal is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

**SD/- T. KRISHNA KUMAR  
DEPUTY REGISTRAR**

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**SECTION OFFICER/**

To,

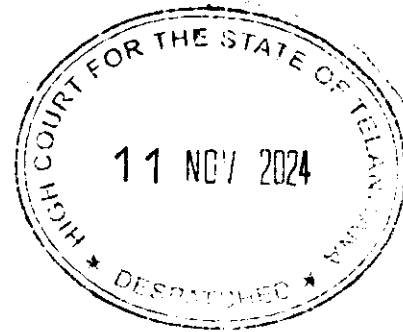
1. The Secretary, Ministry of Defense, Room No.305, B-Wing Sena Bhawan New Delhi, Union of India.
2. The Chief Executive Officer, Secunderabad Cantonment Board, 4-01-001, Court Compound, Sardar Patel Road Secunderabad-500003
3. One CC to SRI T.S.PRAVEEN KUMAR, Advocate [OPUC]
4. One CC to SRI K.R.KOTESHWAR RAO, SC FOR SCB [OPUC]
5. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GEN. OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
6. Two CD Copies

HIGH COURT

DATED: 05/11/2024

JUDGMENT

WA.No.1243 of 2024



DISPOSING OF THE WRIT APPEAL,  
WITHOUT COSTS

8  
11/11/24  
bvs