

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 173 of 2017**

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FAITH FOUNDATION

Versus

STATE OF GUJARAT & 3 other(s)

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Appearance:

MR SAHIL M SHAH(6318) for the Applicant(s) No. 1

MS MANISHA LAVKUMAR SHAH GP WITH MS AISHVARYA GUPTA AGP
for the Opponent(s) No. 1,2,3MR MAULIK NANAVALI FOR NANAVALI & CO.(7105) for the Opponent(s)
No. 4

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE

and

HONOURABLE MR.JUSTICE BIREN VAISHNAV

Date : 29/03/2019

ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE ANANT S. DAVE)

1 The petitioner has filed this Writ
Petition PIL with the following main prayers:

"[B] YOUR LORDSHIPS be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the respondent authorities to take necessary steps for implementation of the provisions of the Cigarettes and other Tobacco Products [Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution] Act, 2003, more particularly Section 5 thereof,

and the Cigarettes and Other Tobacco Products [Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution] Rules, 2004 as well as Government Resolution dated 14.02.2013 issued by the State Government and further be pleased to direct the respondent authorities to prohibit the shop owners and tobacco company from putting advertisement hoarding / board, which are in violation of the provisions of the said Act and Rules;

[C] Pending hearing and final disposal of the petition, YOUR LORDSHIPS be pleased to direct the respondent authorities to remove the advertisement hoardings / boards on the shops, which are in violation of the Cigarettes and other Tobacco Products [Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution] Act, 2003, more particularly Section 5 thereof, and the Cigarettes and Other Tobacco Products [Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution] Rules, 2004 as well as Government Resolution dated 14.02.2013;"

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2 Mr. Nanavati, learned advocate for the respondent Corporation, submits that Section 245 of the Gujarat Provincial Municipal Corporations Act, 1949 requires every person wanting to erect, exhibit, fix or retain any advertisement upon land, building wall, hoarding or structure to obtain prior written permission from the Corporation. He further submits that such

permission is usually granted by the Corporation for a period of one year.

2.1 Mr. Nanavati, learned counsel for the respondent – Corporation, on instructions, states that the Municipal Corporation shall include a specific condition in the licenses or permissions that shall be granted with effect from 01.04.2019 that no advertisement shall be displayed on any hoarding, illuminated or otherwise, the contents of which violate any law, including the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade, Commerce, Production, Supply and Distribution) Act, 2003 and the rules framed thereunder.

3 In view of the above statement made by Mr. Nanavati, learned counsel for the respondent – Corporation, no further direction is required to be given by this Court in the matter.

Accordingly, this Writ Petition PIL stands disposed of.

(ANANT S. DAVE, ACJ)

(BIREN VAISHNAV, J)

P. SUBRAHMANYAM