

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 9696 OF 2015

- 01 Shilwan S/o Milind Salve
Age 22 years, Occ. Business,
R/o Gayatri Nagar, Selu,
Tq. Selu, Dist. Parbhani.
- 02 Anantkumar s/o Nagorao Salve,
Age 22 years, Occ. Business,
R/o as above.
- 03 Anil S/o Sahebrao Shinde
Age 33 years, Occ. Business,
R/o vidya Nagar, Selu,
Tq. Selu, Dist. Parbhani.
- 04 Shaikh Dilawar Shaikh Akbar
Age 30 years, Occ. Business,
R/o Rajiv Gandhi Nagar, Selu,
Tq. Selu, Dist. Parbhani.
- 05 Vishnu S/o Laxmanrao Wade,
Age 22 years, Occ Business,
R/o Keshavraaj Babasaheb Mandir Road,
Selu, Tq. Selu,
Dist. Parbhani.
- 06 Sachin S/o Nagorao Gaikwad,
Age 23 years, occ. Business,
R/o Sarvodaya Nagar, Selu,
Tq. Selu, Dist. Parbhani.

Petitioner

Versus

- 01 The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
- 02 The Secretary,
Environment Department,

Mantralaya, Mumbai.

03 The District Collector,
Parbhani, Dist. Parbhani.

04 The Superintendent of Police,
Parbhani, Dist. Parbhani.

05 The Police Inspector,
Police Station, Selu,
Tq. Selu, Dist. Parbhani.

Respondents

Mr. S. S. Thombre, advocate for the petitioners.
Mrs. A.V. Gondhalekar, A.G.P. for Respondents.

CORAM : R.M.BORDE &

P.R.BORA, JJ.

DATE : 29th September, 2015

PER COURT:

1 Petitioners are praying for issuance of directions to accord permission for using D.J. Sound system within permissible standards of noise level under Noise Pollution (Regulation and Control) Rules, 2000.

2 It does appear that the Association of D.J. Sound Systems' owners have presented a representation to the District Magistrate seeking permission, however, same has not been considered.

3 Our attention is invited to the Noise Pollution (Regulation and Control) Rules, 2000. Rule 2(c) describes "authority", which means and includes any authority or officer authorised by the Central Government, or as the case may be, the

State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for the time being in force.

4 It is pointed out that concerned Sub Divisional Police Officer is invested with the powers to consider applications seeking permission to operate a Sound System, Loud Speaker or Public Address System. The petitioners undertake to tender application to the concerned Sub Divisional Police Officer within one week from today. The concerned Sub Divisional Police Officer, on receipt of the application, shall take appropriate decision on the application, as expeditiously as possible, preferably within one week from the date of its receipt.

5 The concerned Sub Divisional Police Officer shall have due regards to the provisions of Rule 5 of Rules of 2000, which prescribes that: (1) a loud speaker or a public address system shall not be used except after obtaining written permission from the authority. (2) A loud speaker or a public address system or any sound producing instrument or a musical instrument or a sound amplifier shall not be used at night time except in closed premises for communication which, like auditoria, conference rooms, community halls, banquet halls or during a public emergency. Sub-rule (4) of Rule 5 prescribes that the noise level at the boundary of the public place, where loud speaker or public address system or any other noise source is being used shall not

exceed 10 dB(A) above the ambient noise standards for the area or 75 dB(A) whichever is lower. Sub-rule (5) prescribed that the peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5 dB (A) the ambient noise standards specified for the area in which it is used.

6 Learned Additional Government Pleader, appearing for the State, informs that concerned Sub Divisional Police Officer is equipped with the requisite machinery for computing noise level and will ensure to maintain noise level and sound pollution, if any, within permissible limit.

7 With the directions as above, writ petition stands disposed of.

P.R.BORA
JUDGE

adb/wp969615

R.M.BORDE
JUDGE