

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD.**

CRIMINAL WRIT PETITION NO.1568 OF 2014.

1. Shakti D.J. Through its proprietor,
Pravin s/o Ramesh Dhangar,
age 34 years, occu. Business,
r/o Manmad Jin, Near Mahadeo Mandir,
Dhule, Tq. & Dist. Dhule

and others.

... PETITIONERS

versus

1 The State of Maharashtra,
through its Secretary,
Home Department, Mantralaya,
Mumbai – 32.

and others.

... RESPONDENTS.

...

Advocate for Petitioners : Choudhari N.L.
APP for Respondents/State : Mrs.S.G. Chincholkar.

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CORAM : S.S. SHINDE & A.M BADAR, JJ.

RESERVED ON : 25.02.2015.

PRONOUNCED ON : 09.03.2015.

COURT ORDER: [Per SHINDE, J]

1. This petition has been filed with following prayer:

“(C) By appropriate Writ, order or direction in the like nature, the respondents State authorities, may please be directed to allow the petitioners to operate and continue their respective business of D.J. Sound System, as per the provisions of the Noise Pollution (Regulation and Control) Rules, 2000.”

2. In pursuance to the notices issued to the respondents, one Mr.Shrawan s/o Deepchand Sonwane, presently working as Police Inspector, City Police Station, Dhule has filed affidavit-in-reply on 9th January, 2015. Paragraph 3 of the said reply reads, thus:

“3. The deponent submits that, in the year 2014 at the time of Ganesh Festival, the Superintendent of Police, Dhule had arranged meeting of all DJ owners collectively and it was under the authority of Superintendent of Police, Dhule at the time of meeting the Superintendent of Police, Dhule instructed to the DJ owners that, at the time of festival and at the time marriage ceremony they takes precaution measure to maintain decibel in the residential are, (sic) 55 Decibel in day time and 45 Decibel at night time, in silence zone 50 Decibel in day and 40 Decibel at night, in commercial area

65 Decibel in day and 55 Decibel in night and also in the Industrial are (sic) 75 Decibel in day and 70 in night. This chart is also provided in Noise Pollution Regulation and Control Rule, 2000.”

3. It is also stated in the said reply that the D.J. Owners are not following the precautionary measures to maintain decibels in the residential area and also the relevant rules in force governing the subject. It is stated that Dhule District is highly sensitive district and there are many religious places and prayer spots and, therefore, in case of noise pollution beyond limits, some times, it leads to communal violence.

4. The Superintendent of Police, Dhule – Mr.Akhilesh Kumar Singh has also filed affidavit-in-reply. Upon careful perusal of the reply filed by the Superintendent of Police, Dhule, it appears that the action taken by the authorities is on case to case basis. We do not wish to enter into the action taken by the police authorities for breach of relevant Rules. The Superintendent of Police, Dhule in paragraph 3 of his affidavit stated, thus:

“3. The deponent say and submit that, the contentions of the petitioner that, their business DJ Sound System is only source of income for their family may be true but the deponent submits that, the guidelines given by the Hon'ble Apex Court are to be obeyed.

Secondly in Dhule District there are about 400 to 450 Brass Band Parties under the “Maharashtra Band Kalakar Sanstha” and in each band party squad there are about 10- to 15 people. Thus about 5000 to 6000 people are depending on Brass Band business and they are allowed to play the band as Band party follows Rules and laws. In the similar way, it is expected that the petitioners can do the business by following rules and laws and guidelines given by the Hon'ble Apex Court of not committing the noise pollution.”

5. In the light of the discussion herein above, we are satisfied with the affidavit filed by the Superintendent of Police, Dhule and in particular, the statement made in para 3 thereof.

6. Therefore, this petition can conveniently be

disposed of with the observations that, whoever wishes to do the business of playing Band or D.J. Sound System, he can do so in accordance with the relevant Rules and Laws and the guidelines given by the Apex Court. However, we make it clear that this Court has not expressed any opinion about the N.C. Cases registered against the petitioners or any other businessmen and in that respect, the law will take its own course.

With the above observations, the petition stands disposed of.

Sd/-

Sd/-

[A.M. BADAR, J]

[S.S. SHINDE, J]

Kadam.