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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) No. 827 OF 2015

Sanjeevan Seva Foundation ... Petitioner
Vs.
Sr. Inspector of Police,
Vanrai Police Station & Anr. ... Respondents

Mr. Sushil Shukla, for the Petitioner.

Mr. V. S. Tiwari, AGP for Respondent Nos. 1 and 2.

CORAM : V. M. KANADE, &
A. R. JOSHI, JJ.

DATE : MARCH 24, 2015

PC.

1. Heard the learned counsel appearing for the Petitioner and the learned AGP appearing for Respondent Nos. 1 and 2. The grievance of the Petitioner is that Respondent No. 1 has refused to grant permission to the Petitioner to use loudspeaker for the function of Geet Ramayan, organised between 6.00 p.m. to 10.00 p.m. on 29th March, 2015 on the occasion of Ram-Navmi. In the said function Sridhar Fadke is invited. It is submitted that there is a private temple, which is situated in the compound of the Society, and as a result of that, said area has been declared as a silence zone. It is submitted that

this Court had granted permission to a Trust to organise Ras-Garba of Navratri at the said ground. Our attention is invited to the order passed in *Writ Petition (St.) 2546/2013* in the case of - *Parvatibai Shankarrao Chavan Charitable Trust, Petitioner Vs. The State of Maharashtra & Ors., Respondents dated 7.10.2013*. It is submitted that the said event is going to take place only for one day, that too only in evening hours and the organisers have given undertaking that the said function will be over by 10.00 p. m.

2. Learned AGP appearing on behalf of the State submitted that in view of the Noise Pollution (Regulation and Control) Rules, 2000, and also from the Rules dated 21.4.2009 present Maidan has been declared as “Silence-Zone”, and therefore, permission has been refused. The learned AGP further submitted that this event is being held on Ram-Navmi celebration for last 59 years. This Court in the case of - *Parvatibai Shankarrao Chavan Charitable Trust, Petitioner Vs. The State of Maharashtra & Ors., Respondents (WPST. 2546/2013, dated 7.10.2013)* in paragraph 4 has held as under:

“4. Perusal of the circular, which has been issued under the Noise Pollution (Regulation and Control) Rules, 2000 and also from the Rules dated 21.4.2009 and the list of

silence zone which has been declared in Goregaon P/South Ward indicates that in addition to the other sites, which are mentioned in Notification dated 21st April, 2009, even religious sites are also included by the Notification dated 21.4.2009. It has to be noted that so far as the other areas are concerned, which are mentioned in Notification dated 21st April, 2009, they have been defined under the said Act. However, the term 'Religious Sites' has not been mentioned anywhere. It is well known that some of the religious sites attract huge crowd and some of the religious places are private temples, which are situated within the compound of the certain societies. In the present case, the said temple in question, is situated within the compound of the society and it is a private temple. Taking into consideration the said fact, in our view, the Municipal Corporation was not justified in not granting permission to the Petitioners for organizing the said events for a limited number of days. The Petitioners had filed an application seeking permission to organize the said function from 9th October, 2013 to 13th October, 2013 i.e. only for a period of five days and for the limited time from 7.00 p.m. to 10.00 p.m on those days. Secondly, the Corporation had given permission to the Petitioner for organizing the Raas Garba during the last year and there has been no change in the circumstances. Thirdly, the police authorities have given no objection to the Petitioners on certain terms and conditions.”

. The Division Bench of this Court in paragraph 5 of the said order was pleased to grant the relief, which was prayed by the Petitioner therein.

3. In our view, the facts in this case are more or less identical with the facts of the said case, and the event will take place for one day. There is no hospital or school in the vicinity; and secondly, since the event is being organised after 6.00 p.m., even if school is there, it will be closed by that time.

4. The Petitioners undertake that they will use the distributed sound system with low wattage loud speaker. Such an undertaking should be given to the concerned police authorities. The Corporation has also granted permission to the Petitioner for the said event. In these circumstances, in our view, Respondent No. 1 had no reason to refuse permission only on the ground of existence of a private temple, which is situated in the compound of the building. Petition is allowed in the aforesaid terms and is disposed of. This order may not be treated as the precedent.

Sd/-
[A. R. JOSHI, J.]

Sd/-
[V. M. KANADE, J.]