

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.651 OF 2003
IN
WRIT PETITION NO.2053 OF 2003**

Dr. Yeshwant T. Oke and Ors.

....Petitioners

versus

State of Maharashtra and Anr.

....Respondents

And

Somaiya Vidyavihar & Ors.

....Applicants

And

The Dy.Commissioner of Police
Zone VII, Mulund, Mumbai

....Co-Respondent

.....

Mr.Shanay Shah a/w. Ms.Gauri Rege i/b. M/s. Nankani & Associates
for Petitioner.

Mr.Nimay Dave a/w. Ms.V.Shah i/b. M/s.Hariani & Co. for Applicants.

Mr.Rui Rodrigues a/w. Mr.G.Hariharan i/b. Mr.Pankaj Kapoor for
Respondent no.1 – UOI.

Ms.Uma Palsule – Desai for Respondent no. 2 and 3 - State

.....

CORAM : A.S.OKA AND P.D.NAIK, JJ.

DATE : 3rd May, 2016.

P.C.:

There are three prayers in this Notice of Motion. Prayer (c) is worked out with the passage of time. Even the prayer (d) which relates to conducting of Gyan Yagna, is substantially worked out. Prayer (b) reads thus :

“(b) That this Hon'ble Court be pleased to clarify that in view of the order dated 19th December 2003 passed by their Lordships the Hon'ble Chief Justice C.K.Thakkar & Justice A.S.Oka, the provisions of

Rule 6 of the Noise Pollution (Regulation & Control) Rules, 2000 do not apply to the Applicants herein (being Educational Institutions) and they are entitled to conduct Gyan Yagna on the said property in accordance with law and subject to compliance of Rule 5 of the Noise Pollution (Regulation & Control) Rules, 2000.”

2. We have perused the Noise Pollution (Regulation & Control) Rules, 2000 (for short the 'said Rules'). Rule (6) deals with the places which are covered under the Silence Zones / Areas.

3. There is no provision in the said Rules which provides that the said Rules are not applicable to Educational institutions. The order dated 19th December, 2003 passed in the present PIL only lays down that the said Rules have to be implemented.

4. Therefore, it is impossible for this Court to grant a declaration that the provisions of the said Rules and Rules (5) and (6) do not apply to the applicants. Therefore, we are unable to grant any relief in this Notice of Motion and the same is dismissed.

5. The Writ Petition No. 2053 of 2003 be heard alongwith Appellate Side PIL No.173 of 2010. To be placed on **17th June, 2016.**

(P.D.NAIK, J.)

(A. S. OKA, J.)