

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Petition No.32858 of 2016

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri Sitaram Chaparla, learned counsel for the petitioner, the learned Government Pleader for Revenue (AP), and Sri B.Jithender, learned Standing Counsel for the Central Pollution Control Board and, with their consent, the writ petition is disposed of at the stage of admission.

The complaint in this Writ Petition is that respondents 4 and 5, who are the petitioner's neighbours and are running handloom and power looms in their house, are causing both air and noise pollution within the locality disturbing even the sleep of the people staying in the locality, including the petitioner herein. While a representation appears to have been made to the District Pollution Officer by the petitioner, a legal notice was sent on his behalf to the District Collector later.

Sri Sitaram Chaparla, learned counsel for the petitioner, would draw attention of this Court to Rule 2(c) of the Noise Pollution (Regulation and Control) Rules, 2000 (for short "the Rules") which defines "authority" to mean and include any authority or officer authorized 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. Learned counsel would submit that the District Collector is also an authority under Rule 2(c) of the Rules.

Learned Government Pleader for Revenue, appearing on behalf of the District Collector, would however submit that the Superintendent of Police of the District is designated as the authority; and any

representation in this regard should be addressed to the Superintendent of Police and not to the District Collector.

The complaint in this writ petition is of noise pollution affecting residents of the locality where respondents 4 and 5 are said to be carrying on business. As the issue needs immediate attention, we see no reason to keep the writ petition pending on our file to examine the larger question whether Rule 2(c) of the Rules confers jurisdiction on the District Collector or the District Superintendent of Police or on both. If, as is contended before us by the learned Government Pleader for Revenue, it is the District Superintendent of Police who has jurisdiction, the District Collector shall forward the notice sent to him, on behalf of the petitioner, to the Superintendent of Police who shall forthwith take action in the matter.

We consider it appropriate, in such circumstances, to direct respondents 1 to 3 herein to ensure that necessary action is taken to prevent air and noise pollution in the area, if any, by respondents 4 and 5 at the earliest and, in any event, within two months from the date of receipt of a copy of this order. Needless to state that, before any action is taken by respondents 1 to 3, or by the District Superintendent of Police, respondents 4 and 5 shall be put on notice and be given an opportunity of being heard.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

04th November 2016
JSU

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Date: 04.11.2016

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