

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6343 of 2017

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Arun Kumar Sinha, IAS (Retd.) (in Person), Son of Late Shri Arjun Singh, Resident of- 50/C, Shrikrishnapuri, P.O.+ P.S.- Shrikrishnapuri, District- Patna- 800001.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Housing and Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Environment and Forest Department, Government of Bihar, Patna.
5. The Principal Secretary, Home Police Department, Government of Bihar, Patna.
6. The Principal Secretary (Roads), P.W.D., Government of Bihar, Patna.
7. The Director General of Police, Bihar, Patna.
8. The Chief Conservator of Forest, Bihar, Patna.
9. The District Magistrate, Patna.
10. The Senior Superintendent of Police, Patna.
11. The SHO, Shrikrishnapuri Police Station, Patna.
12. The Chairman, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the State : Mr. Y.P. Sinha, AAG-7
For the P.M.C. : Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-06-2017

Petitioner, a retired Administrative Service Officer, by this petition, in public interest, wants that Sri Krishna Puri area within the jurisdiction of the State Government be declared as Silence Zone, all Public Address Systems including playing of music inside the park, use of horns and plying of vehicles, especially two-wheelers



without a silencer at all hours of day and night be banned and the S.K. Puri park be declared and developed as a Children Park.

As far as creation of noise pollution is concerned, the matter stands concluded by law laid down by the Supreme Court in the case of **Noise Pollution (V), In Re- (2005) 5 SCC 733** and other cases and in case the petitioner feels that there is pollution in conflict to the law laid down by the Supreme Court in the aforesaid case, petitioner may make a complaint to the concerned authorities who are competent to deal with the matter. The remaining prayer for declaring the zone or the area as a “Silence Zone” and banning the use of vehicle etc. are within the executive and administrative jurisdiction of the authorities of the State Government and this Court in the absence of there being any statutory provision permitting grant of relief to the petitioner cannot go into these aspects of the matter. It is for the Executive Authorities of the State Government to take note of the grievance of the petitioner and to take action as is permissible under law for considering this grievance.

Accordingly, with regard to the remaining relief, petitioner may approach the authorities of the State Government who can deal with the issue more appropriately as they are beyond the jurisdiction of this Court exercising limited jurisdiction in a proceedings under Article 226 of the Constitution.



With the aforesaid liberty to the petitioner, the matter stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.07.2017
Transmission Date	

