

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION ST.NO.22665 OF 2017 IN
PUBLIC INTEREST LITIGATION NO.173 OF 2010

Ms Reena Richard ...Petitioner
vs.
The State of Maharashtra
and others ...Respondents

Ms Reena Richard the Petitioner in person
Ms Nisha Mehra, AGP for the respondent No.1

CORAM : A.S.OKA, &
RIYAZ.I.CHAGLA, JJ.
DATE : JUNE 11, 2018

P.C.:

1 Heard the petitioner appearing in person. The grievance in this petition seeking action under the Contempt of Courts Act, 1971 is about the failure of the concerned respondents to implement the directions contained in Judgment and Order dated 10th, 11th, 12th and 16th August 2016 in Public Interest Litigation No.173 of 2010 and other connected matters.

2 Real grievance in this petition is regarding the breach of directions issued by this Court as regards implementation of the *Noise Pollution (Regulation and Control) Rules, 2000* (for short "the Noise Pollution Rules"). The allegation is that loud speakers are being used everyday by one Masjid and there is a complete failure on the part of the

respondents to take action.

3 There is material placed on record to show that when complaints were made by the petitioner earlier, the Police Authorities failed to take action. However, the order dated 6th April 2018 notes that at least from 24th March 2018 till 4th April 2018, there was no violation committed by the said Masjid. This fact was accepted by the petitioner appearing in person. Today, a report is submitted by the Assistant Commissioner, Samata Nagar, Mumbai dated 11th June 2018 which records the decibel readings which were taken on random basis between 6th April 2018 to 9th June 2018 on 33 occasions when the violation of Noise Pollution Rules was not detected. A chart giving necessary particulars is tendered across the bar. The petitioner appearing in person states that from the last date i.e 6th April 2018 till today, she has not noticed any such violation. She, however, submits that though the criminal law set in motion by the police by filing private complaints, the action is not taken to its logical conclusion. The learned AGP tenders across the bar a chart showing that for the breaches of Noise Pollution Rules in Samata Nagar area, total 11 private complaints have been filed in the Courts of Metropolitan Magistrates after serving mandatory notice which is required to be served as per section 19 of the Environment Protection Act, 1986. We accept the said statement.

4 Considering the fact that from 24th March 2018,

the police have monitored decibel levels for ascertaining whether there is any noise pollution created by the Masjid and till date no violation have been found, we find that at this stage, it is not necessary to take an action under the Contempt of Courts Act, 1971. Moreover, complaints have been filed in the Courts of Metropolitan Magistrates which are pending. Though we are not entertaining this Contempt Petition, we must note that we are doing so only in view of subsequent corrective measures taken by the police. In the event, in the same area, if there is a violation of Noise Pollution Rules and if there is a failure on the part of the police to take action, it will be a case of aggregated contempt. We hope and trust that the Police Authorities will not compel the petitioner to file a fresh Contempt Petition. The petition is disposed of.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)