

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14117 of 2018

Sacred Heart School and Junior College and anr.Petitioners
versus

The Commissioner of Police and ors.Respondents

Mr. Firdosh Pooniwala along with Mr. D. V. Bohade, Mr. N. M. Deshpande
i/b. Yatin R. Shah & Co., advocates for the petitioners.

Mrs. M. P. Thakur, AGP for the State.

Ms. Kalyani Tulankar, advocate for the respondent No.5.

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.**

DATE : 12th DECEMBER, 2018.

P. C. :

By an order dated 30th November, 2018 of the Assistant Commissioner of Police, Vashi Division, Navi Mumbai, Noise Pollution Officer, the petitioners were granted permission to use sound system for Annual School Function scheduled to be held in their premises on 14th and 15th December, 2018 from 8.00 a.m. to 7.00 p.m..

2. The grievance of the petitioners is two fold.

So far as the Annual School Function scheduled to be held on 15th December, 2018 is concerned, the petitioner wants extension of time from 7.00 p.m. to 9.30 p.m.. The petitioners have also made a grievance that on 6th December, 2018, at 8.00 p.m., the respondent No.2 through

his deputy one Mr. Nitin Gite-Officer-In-Charge of Noise Pollution orally informed and threatened the representatives of the petitioners in their meeting called by him in connection with some issue of use of parking for other purpose, that the respondent No.2 will not allow any function including the sports day/annual day and/or any future event/programme to be carried out in the said parking area and/or open space/plot of the petitioners school compound.

So far as the second grievance of the petitioners is concerned, the learned AGP submits that the respondent No.2- Arun Patil, ACP, Traffic, Vashi Division, Navi Mumbai, himself is present before the Court. He specifically denies the allegations made by the petitioners in this regard. On his instructions, learned AGP, makes a statement that the function which the petitioners intend to hold on 14th and 15th December, 2018, will not be obstructed/objected provided the petitioners comply with the conditions stipulated in the said permission dated 30th November, 2018. The statement is accepted.

So far as the first grievance of the petitioners is concerned, they want extension of time to hold the function on 15th December from 7.00 p.m. to 9.30 p.m.. The learned AGP, having taken instructions, fairly concedes that the petitioners would be allowed to carry the function on

15th December, 2018 from 6.00 p.m. to 9.30 p.m.. The statement is accepted.

3. In the light of the above, the issue raised in the petition does not survive for consideration. The writ petition is, accordingly, disposed of.

4. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]