

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.3782 of 2018

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:-

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the inaction and failure on the part of the respondents to regulate and control the using of the mike systems, high decibel mikes in public places more particularly using DJ mike systems and causing nuisance in public place in Sayyad Nagar in spite of Orders of the Hon'ble Supreme Court and in violation of Rule 5 of Noise Pollution (Regulation and Control) Rules 2000 as amended in 2010 regarding noise pollution resulting in health hazards as illegal, arbitrary, unjust and is against Article 21 of the Constitution of India and consequently direct the respondents to take action to regulate and control the playing of high decibel sound DJ music system in Sayyad Nagar in the interest of health of public living in the area..”

According to the petitioner, he is a resident of Plot No.94-A, Rolad No.12, near Sayyad Nagar Colony, Banjara Hills, Hyderabad, and constructed a house with the permission of the competent authority in the year 2001 and has been living with his family peacefully and happily. It is further stated that he retired from State Government Service in the year 2008 in the capacity of Additional Transport Commissioner. It is further stated that for the few years of his living in the locality, life was going normally and that on 13.02.2016 during the night, certain

people started using DJ mike systems opposite to his house and that he complained to the Control Room on phone No.100 at 10.00 p.m., but no action has been, so far, taken. Obviously, complaining the inaction on the part of the police authorities against the persons for the alleged nuisance, the present Writ Petition is filed.

According to the learned Counsel, appearing for the petitioner, it is obligatory on the part of the police authorities to take action in accordance with law including the Environment (Protection Act) 1986 and the Noise Pollution (Regulation and Control) Rules, 2010.

A counter affidavit, deposited by the Inspector of Police, Banjara Hills P.S., Hyderabad city/6th respondent herein is filed. In the counter affidavit, it is stated that after receipt of the complaint from the petitioner herein through E-Mail, the Sub-Inspector of Police served a notice on one Mr.Mohd.Osman, R/o.H.No.10-5-391/54/1, Syed Nagar, Banjara Hills, Hyderabad, instructing him not to cause any disturbance by using DJ mike system. A copy of the said notice is placed on record during the course of hearing by the learned Government Pleader. It is further stated that on receipt of the communication about the filing of the Writ Petition, the respondent/police authorities visited the subject place and warned him and issued notice, as stated above. It is further stated in the said counter affidavit that Mohd.Osman, who earlier organized Garvy festival and used the mike system, has given a statement to the respondent that he did not conduct Garvy festival this year in view of the

objections from the Colony people and in the event of organizing Garvy festival in future and use mike system, certainly he would obtain prior permission from the authorities concerned for taking precautionary measures as per law. Along with the counter affidavit, a copy of the undertaking said to have been given by Mr.Mohd.Osman on 25.02.2018 is enclosed wherein it is stated that in the event of organizing any Garvy festival in future, permission would be obtained in accordance with law and if any such activity is undertaken without any permission, proper action can be taken against him as per law.

In view of the above averments in the counter affidavit, this Court deems it fit and proper to dispose of the Writ Petition placing on record the above statements in the counter affidavit and the undertaking said to have been given by Mr.Mohd.Osman on 25.02.2018.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.Sesha Sai, J

Date: 14.03.2018
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