

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Contempt Petition (C) No. 456 of 2017**

Byas Muni Dwivedi S/o Shri Indra Bhan Dwivedi, Aged About 39 Years R/o LIG-93, Dhansuli Housing Board Colony, Dhansuli, Post Nardha, District Raipur

---- Petitioner**Versus**

1. O.P.Choudhary Collector, Raipur, Collectorate, Raipur, Chhattisgarh.
2. Dr. Sanjeev Shukla, Superintendent Of Police, Raipur, Chhattisgarh.
3. Shri G.L.Sankla, Under Secretary, Department Of Housing And Environment, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
4. Shri Amitabh Jain, Principal Secretary, Department Of Finance, Government Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Ms. Aditi Singhvi, Advocate.
For Respondent No. 4	: Shri Pawan Shrivastava, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri P. Sam Koshy, Judge

Order on Board**Per P. Sam Koshy, Judge****16/05/2019**

1. The instant contempt petition has been filed alleging non-compliance of the order dated 27.04.2017 and the interim order dated 06.12.2016 passed in Writ Petition (PIL) No. 112 of 2016.
2. For better understanding, the operative part of the order dated 27.04.2017 as also the order dated 06.12.2016 is reproduced as under:

"Order dated 27.04.2017

4. For the aforesaid reason, this writ petition is ordered directing that the respondent shall collectively and individually abide by the letter and spirit of the directions contained in the judgment of the Hon'ble Supreme Court in **Noise Pollution (V), In Re** (supra) reported as (2005) 5 SCC 733, the prescription in the interlocutory order issued in the case in hand on

06.12.2016 (copy of which shall stand appended to this judgment) shall be treated as providing sufficient guidance and not by itself prescribing anything in contradistinction to what the statute laws have already prescribed.

Order dated 06.12.2016

It is the duty of the State to ensure that the law is complied with in letter and spirit and any violation of the law shall be strictly dealt with by this Court and the concerned officials may have to face contempt action from this Court if the law is violated.

We again reiterate that under no circumstances will loudspeakers or other sound making instruments be permitted within a radius of 100 metres aerial distance as the crow flies from any school, college, Government hospitals, Court or office. Till Rules in this behalf are framed by the State, we empower the District Magistrates, the Superintendent of Police, the Deputy Superintendent of Police and any other authority as may be notified by the State Government to seize the equipment which is used for noise pollution. Once that equipment is seized, it shall not be released without obtaining orders of the concerned Magistrate. In case of second offence by any owner/supplier of the equipment, the equipment shall not be released till orders are obtained from this Court. The Magistrate shall only permit the equipment to be released on that person or the owner/supplier of the equipment filing an affidavit that he shall comply with the law in future.

We are aware that the practice of playing music and sound at high decibel level often takes place at marriages, birthday parties and also at religious and social functions. When the concerned authorities go to these functions to stop the playing of music at high decibel level or to stop music in the prohibited hours, they shall respect the sentiments of the people and politely tell them about the orders of the Court. The orders of this Court must be obeyed but this can be ensured in a graceful and civil manner. In case the organizers of such events put up resistance or object to the officials carrying on their duties they can be challaned and prosecuted in Court and in addition thereto, the concerned authority can file an application in this Court that such person(s) has violated the orders of this Court and then contempt proceedings can be initiated against the said person(s). In case, the organizers (other than tent house services and sound system provider, disc jockeys etc.) voluntarily obey the orders of this Court, their equipment shall not be seized but in case they put up resistance or try to defy the orders of the Court, then the sound system shall be seized. As far as the case of tent house providers, sound system providers, disc jockeys etc. is concerned, the equipment shall straightway be seized.

In case of pressure horns/multi toned horns, as soon as a pressure horn or multi toned horn is detected in the vehicle, the concerned officials shall remove the horn and destroy the same at the spot after making entry in a register to be maintained in this regard.

The authorities shall also prepare a data base with the number of the vehicle, name of the driver of the vehicle and owner who were challaned for using pressure /multi toned horns and this data shall be maintained in such a manner so that if a second offence is committed by them it is easy to identify the owner and driver of the vehicle. In case of repeated offences by them, the vehicle can be seized by the authorities concerned and shall not be released except with the permission of this Court.

The Registrar General is directed to send a copy of this order to all the District Magistrates as well as Superintendent of Police concerned who shall further ensure that this order is circulated amongst the Sub Divisional Magistrates and Deputy Superintendent of Police.

Wide publicity of this order shall be made by issuing advertisement in local Television and it shall be the duty of all the District Magistrates/Sub Divisional Magistrates to specifically send a copy of this order to all the Tent House Operators, sound system provider, disc jockeys etc. including the persons applying for permission under the provisions of the Act and the Rules."

3. The Respondents have entered their appearance and submitted their respective returns.
4. During the course of hearing, learned counsel appearing for the Respondent No. 4 submits that he has filed a detailed reply dated 25.10.2017 in respect of the steps and measures that had been taken firstly to show compliance of the directions given by this Court and secondly showing measures that the State has taken to curb the noise pollution.
5. In addition to the reply that the State had filed on 25.10.2017 at the instance of this Bench, the authorities had filed an additional reply on 28.04.2018. Both, in the reply as well as the additional reply which the State has filed, they have given the details of the steps and measures taken firstly to curb the menace of noise pollution and secondly the measures that they have taken to reduce the noise pollution.

6. Satisfied with the contents that have been given in the two replies submitted by the Respondents and further expecting that the State authorities would constantly monitor and ensure implementation of the undertaking given by them before this Court as well as the steps that they have initiated ensuring curbing of the noise menace, the contempt petition in its present form does not survive.
7. Needless to mention that disposal of this contempt petition should not be taken lightly by the Respondent-State authorities who are incharge of the affairs so far as the control of noise pollution is concerned. They are expected to ensure that the directions given by this Court as well as the Supreme Court is complied with, in letter and spirit. They would be constantly monitoring the same.
8. With the aforesaid observation, the contempt petition stands disposed off.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE