

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.165 OF 2020

CHARMAINE LEILA BRAGANZA Petitioner

Versus

STATE OF GOA , THR. ITS CHIEF
SECRETARY, AND OTHERS. Respondents

Mr. C. A. Ferreira with Mr. D. Zaveri, Advocates for the Petitioner.
Mr. P. Arolkar, Addl. Government Advocate for the Respondents No.1
to 5.

Mr. G. Godinho, Advocate for Respondent No.6.

Mr. A. D. Bhobe with Ms. K. Govenkar, Advocates for Respondent
No.7.

Coram:- M.S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 2nd March, 2020

ORAL ORDER (Per M.S. Sonak, J.)

Heard Mr. C. A. Ferreira with Mr. D. Zaveri for the Petitioner,
Mr. P. Arolkar, Addl. Government Advocate for the Respondents No.1
to 5, Mr. G. Godinho for Respondent No.6 and Mr. A. D. Bhobe with
Ms. K. Govenkar for Respondent No.7.

2. The allegation in this petition is that the respondent no.7 is operating a Saturday Night Market and there is no compliance with the Noise Pollution (Regulation and Control) Rules, 2000 including in particular Rule 5 of the said Rules which reads as follows:

" 5. Restrictions on the use of loud speakers/public address system:

(1) A loud speaker or a public address system shall not be used except after obtaining written permission from the authority.

(2) A loud speaker or a public address system shall not be used at night (between 10.00 p.m. to 6 am) except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls."

3. On 21.02.2020, whilst issuing notices to the private respondents, an interim order was made directing the Police Sub Inspector concerned not to permit loud speaker or public address system to be used at night between 10.00 p.m. to 6.00 a.m. except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls.

4. Today, Mr. Bhobe appears for respondent no.7 and states that this petition has been instituted by the sister of respondent no.7 who is on enemical terms with respondent no.7. He submits that the petitioner has in fact sided with the persons who organize "Saturday Nigh Bazar" at Arpora itself at the location of 500 mtrs. away from the Saturday Night Market which is held/organized by respondent no.7.

On instructions he submits that the respondent no.7 strictly complies with the terms and conditions of the permission issued to respondent no.7 by the various statutory authorities. Mr. Bhobe again on instructions also states that respondent no.7 has never breached the aforesaid rules and has no intention of breaching the aforesaid rules in relation to Noise Pollution. He submits that necessary directions be issued to the police authorities to ensure that there is no breach of the aforesaid rules insofar as Saturday Night Bazar which is being organized by the competitors of respondent no.7, who are now supported by the petitioner.

5. Mr. Ferreira, learned counsel for the petitioner states that the allegations made by respondent no.7 are incorrect and the petitioner, has no connection whatsoever with the organization of the Saturday Night Bazar. He submits that if, directions are issued to the police authorities to enforce rules insofar as Saturday Night Bazar is concerned, the petitioner will have no objection whatsoever.

6. According to us, now that respondent no.7 has made a statement, without prejudice, that there will be no breach whatsoever of the Noise Pollution (Regulation and Control) Rules, 2000 and that loud speaker or public address system will not be used at night between 10.00 p.m. to 6.00 a.m. or beyond the permitted hours, in terms of any special permissions which the respondent no.7 may secure in

accordance with the rules, there is no necessity of keeping this petition pending.

7. Mr. Arolkar, the learned Additional Government Advocate states that the concerned Police Sub Inspector will monitor the situation at both Saturday Night Market which is being operated by respondent no.7 as well as the Saturday Night Bazar in order to ensure that the rules are complied with and unless there is special permission obtained, no loud speaker or public address system will be permitted to be used at night between 10.00 p.m. to 6.00 a.m.

8. The statements made on behalf of respondent no.7 as well as on behalf of the concerned Police Sub Inspector are accepted as statements made to this Court.

9. The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

10. All concerned to act on the basis of an authenticated copy of this Order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.