IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 17TH DAY OF FEBRUARY 2020 / 28TH MAGHA, 1941

WP(C).No.339 OF 2020(N)

PETITIONER:

SHEKHARA.A
AGED 63 YEARS
S/O.THIRKAN,ADRUKUZHI HOUSE, EDNEER P.O., KASARGOD-671 541

BY ADV. SRI.SAJU J PANICKER

RESPONDENTS:

1 **THE DISTRICT COLLECTOR**
CIVIL STATION, KASARGOD-671 123

2 **THE DISTRICT POLICE CHIEF,**
KASARGOD-671 124

3 **THE DEPUTY SUPERINTENDENT OF POLICE,**
KASARGOD-671 124

4 **THE ENVIRONMENTAL ENGINEER,**
KERALA STATE POLLUTION CONTROL BOARD,KASARGOD-671 315

5 **THE SUB INSPECTOR OF POLICE,**
VIDYANAGAR POLICE STATION, KASARGOD-671 124

OTHER PRESENT:

T.NAVEEN SC, K.J.MANU RAJ G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17.02.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

W.P.(C)No.339 of 2020

Dated this the 17th day of February, 2020

JUDGMENT

The prayers in the above Writ Petition (Civil) are as follows:-

> *"i. To issue a writ of mandamus, order or direction, directing the 3rd respondent to take appropriate legal action against the Yuvasakthi club for beating the drum and other musical instruments in sound exceeding the limit prescribed in Noise Pollution (Regulation and control) Rules, 2000.*
> *ii. To issue a writ of mandamus, order or direction, directing the 3rd respondent to prohibit the use of drum and other musical instruments in sound exceeding the limit prescribed in Noise Pollution (Regulation and Control) Rules, 2000 which is causing serious menace to the people residing in the locality.*
> *iii. To issue a writ of mandamus, order or direction, directing the 3rd respondent to consider Ext.P9 complaint filed by the petitioner as expeditiously as possible within a time limit prescribed by this Hon'ble court.*
> *iv. To issue a writ of mandamus, order or direction, directing the 3rd respondent to control the use of drum and other musical instruments within the limits prescribed in Noise Pollution (Regulation and control) Rules, 2000 and to prohibit its use during the night time."*

2. Sri. Saju J. Panciker, learned counsel appearing for the petitioner would submit on the basis of instructions of his party that the petitioner has been advised to file a fresh comprehensive Writ Petition (Civil), after impleading the respondents in Ext.P7 proceedings as respondents in the writ petition, and his necessary pleadings and prayers against them etc., and liberty may be given to the petitioner to withdraw the present writ petition for filing such fresh writ petition etc.

Liberty is accorded to the petitioner to work out his remedies in the manner known to law.

With the said liberty, the above Writ Petition (Civil) will stand dismissed as withdrawn.

Sd/-

ALEXANDER THOMAS, JUDGE

acd

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**THE TRUE COPY OF THE COMPLAINT DATED 15.10.2016 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT**
EXHIBIT P2	**THE TRUE COPY OF THE COMPLAINT DATED 5.04.2019 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT**
EXHIBIT P3	**TRUE COPY OF THE APPLICATION FILED UNDER THE RIGHT TO INFORMATION ACT AND THE ANSWER GIVEN BY THE 2ND RESPONDENT**
EXHIBIT P4	**TRUE COPY OF THE APPLICATION FILED UNDER THE RIGHT TO INFORMATION ACT AND THE REPLY GIVEN TO THE APPEAL**
EXHIBIT P5	**THE TRUE COPY OF THE LETTER DATED 27.04.2019 ISSUED BY THE 4TH RESPONDENT TO THE ASSISTANT SUPERINTENDENT OF POLICE , KASARGOD**
EXHIBIT P6	**THE TRUE COPY OF THE LETTER DATED 25.04.2019 ISSUED BY THE ASSISTANT SUPERINTENDENT OF POLICE, KASARGOD**
EXHIBIT P7	**THE TRUE COPY OF THE REPORT FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARGOD BY THE ASSISTANT SUPERINTENDENT OF POLICE KASARGOD**
EXHIBIT P8	**THE TRUE COPY OF THE COMPLAINT DATED 22.11.2019 FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER**
EXHIBIT P9	**THE TRUE COPY OF THE COMPLAINT DATED 22.11.2019 FILED BEFORE THE THE ASSISTANT SUPERINTENDENT OF POLICE, KASARGOD**