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IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO. 7 OF 2021

Mr. Sagardeep Sirsaikar, 42 years of age, S/o.
Audumber Shirsaiakar, R/o. H. No. 308,
Welcome House, Chapora, Bardez -Goa.
Phone No. 9657408591, Fax No. Nil, PAN
Number: CSLPS362SL, National Unique
Identity Number: Email: Nil Income: Rs.
1,00,000 /-p.a.

...PETITIONER

Versus

1. State of Goa, Through its Chief Secretary, Secretariat, Alto Porvorim, Bardez-Goa.
2. The Collector, North Goa, Government of Goa, Panaji - Goa.
3. The Deputy Collector & Sub Divisional Magistrate, Mapusa, Bardez-Goa.
4. Superintendent of Police, North Goa, Having office at Alto Porvorim, Bardez-Goa.
5. Dy. Superintendent of Police and S.D.P.O., Having office at Mapusa Police Station, Mapusa-Goa.
6. Police Inspector (Officer in Charge), Anjuna Police Station, Anjuna, Bardez-Goa.
7. Goa Tourism Department, Paryatan Bhavan, Patto, Panaji, Goa.
8. The Sarpanch/Secretary, Village Panchayat Anjuna, Bardez, Goa.

9. The Commissioner of Excise
Department of Excise Government of Goa,
Panjim-Goa.

10. Mr. Elaino Pereira, Proprietor of
Larive Beach Shack, Vagator-Anjuna, Goa. ...RESPONDENTS

Mr. Nigel da Costa Frias with Mr. G. Malik, Advocates *for
the Petitioner.*

Mr. Devidas J. Pangam, Advocate General with Mr. Prashil
Arolkar, Additional Government Advocate *for the Respondent
Nos. 1 to 9.*

Mr. Parag Rao with Ms. Soumya Drago, Advocates *on behalf
of Domingos Alexio Fernandes.*

**CORAM: REVATI MOHITE DERE &
M. S. JAWALKAR, JJ.**

DATED: 15th December 2021.

ORAL JUDGMENT: (per Revati Mohite Dere, J.)

1. Heard learned Counsel for the parties.
2. Rule. Rule made returnable forthwith at the request and by consent of the learned Counsel for the parties.
3. Learned Additional Government Advocate, Mr. Arolkar, waives service on behalf of respondent nos. 1 to 9 and Mr. Rao waives service on behalf of Mr. Domingos Alexio Pereira.
4. By this PIL, the petitioner, is essentially seeking a direction to the respondent nos. 1 to 10 to enforce and implement the

provisions of the Noise Pollution (Regulation & Control) Rules, 2000 as also, the directions issued by this Court in Suo Motu Writ Petition No. 4/2006 and PIL Writ Petition No. 11/2013 and to take steps and abate the noise and sound pollution in Survey No. 213/23A of Village Anjuna-Vagator, Bardez, Goa.

5. In addition to the aforesaid prayer, direction is also sought to ensure that no loud music is played after 10:00 p.m. and to strictly implement the provisions of the Environment (Protection) Act, 1986 read with the Environment (Protection) Rules, 1986 and the Noise Pollution (Regulation & Control) Rules, 2000 and to take action against such offenders.

6. We, after hearing the learned Counsel for the parties, without restricting the area to Anjuna-Vagator, are of the opinion that appropriate directions can be issued to the concerned Authorities so as to regulate, curb and control noise pollution.

7. In fact, learned Advocate General has tendered a draft of the directions, which can be issued, so as to enable the appropriate Authorities to regulate, curb and control noise pollution.

8. Accordingly, we deem it appropriate to issue the following directions to the respondent-Authorities for taking steps to regulate, curb and control noise pollution:

- i. A dedicated telephone line bearing number 112 (24 x 7) shall be maintained for receiving complaints of noise pollution.
- ii. The record of such complaints shall be maintained by the control room operating the said helpline.
- iii. Upon receipt of such complaints, the control room shall forward the complaint to the police station having jurisdiction over the area where there is alleged noise pollution.
- iv. The police shall immediately carry out inspection if the allegation is found to be correct, appropriate steps are required to be taken to stop such noise pollution, register FIR and investigate and proceed against the violators in accordance with law.
- v. The police shall also act in terms of clause 4 as stated aforesaid, in case any violations are reported by the Local Intelligence Bureau, Beat Staff, Sub Division Night duty officers, Robot and Robin, Noise monitoring committees or any NGOs, or any other persons.
- vi. All cases of violations shall be reported to the District Magistrate who shall take action in terms of Rule 8 of the Noise Pollution (Regulation and Control) Rules 2000 and the provisions of Environment Protection Act and Rules made thereunder.

- vii. The District Magistrate thereafter shall take action against the violators by following the Noise Pollution (Regulation and Control) Rules 2000 and the provisions of Environment Protection Act and Rules made thereunder.

9. In addition to the above, following action/steps shall be taken by the various authorities/committees:

- a. Continuous night patrolling by Local Intelligence Bureau, Beat Staff, Sub Division Night Duty Officers are to be maintained to ensure that there is no violation of noise pollution laws, more particularly in the coastal areas.
- b. In addition to foot patrols, patrolling by mobile vans and motorcycles (Robot and Robin) to be maintained during the night time to curb the menace of noise pollution.
- c. Surprise raids and checks conducted on regular basis and violators if any found are to be immediately prosecuted under the relevant penal provisions of the Environment Protection Act.
- d. The above steps are in addition to the creation of flying squads for monitoring cases of noise pollution, each flying squad being constituted at Sub-Divisional levels with officers from different departments being part of the same to create an effective team to curb the menace of noise pollution.

- e. The noise monitoring committees constituted pursuant to the directions issued by this Hon'ble Court dated 21.03.2007, in Suo Moto Writ Petition No.4/2006, should carry out surprise inspections at various shacks, restaurants, hotels in the coastal villages, which are known to be organizing late night parties with music amplified sounds and if the sound levels are found to be beyond the permissible decibels or the sound system is being used beyond 10 pm in the night, they should file a complaint and register an FIR with the local police station immediately.
- f. The Report of the inspections carried out by the members of the Noise Monitoring Committee and the action taken shall be noted in the register which shall be signed by the members and the Police Officer and such reports shall be submitted periodically to the Superintendent of Police.
- g. The review committee formed by order dated 21st March 2007 shall review the action taken in respect of various violations reported on monthly basis.
- h. The State should commence a public awareness campaign alongwith the media to create awareness with regard to noise pollution, particularly, with regards to use of loud speakers, amplifiers, and fire crackers.

10. All the aforesaid directions, issued today, are in addition to the directions already issued in **Noise Pollution (V), In re Vs. Union of India & Another** reported in **2005 (5) SCC 733**, order dated 21.03.2007 passed by this Court in Suo Motu Writ Petition No. 4/2006 and the order dated 09.04.2014 passed by this Court in PIL Writ Petition No. 11/2013.

11. A copy of this Order be communicated to the Director General of Police, Collector (North District and South District) and the respective Sub Divisional Magistrates for its implementation, forthwith.

12. The Petition is allowed to the extent as stated aforesaid. Rule is made absolute on the aforesaid terms and the Petition stands disposed of accordingly.

13. All parties to act on an authenticated copy of this Order.

M. S. JAWALKAR, J. REVATI MOHITE DERE, J.