

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.149 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Muzaffarpur

Mayadhar Gupta, Son of Late Murlidhar Gupta, R/o 206 Icon Tower Apartment, Amar Cinema Road, Chhoti Kalyani, P.s- Motijheel, Dist- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Bihar, Patna
2. The Inspector General of Police, Tirhut Commissioner, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Senior Superintendent of Police, Muzaffarpur
5. The Officer-in-Charge, Town Police Station, Motijheel, Dist- Muzaffarpur
6. Baidyanath Choudhary Son of Not Known R/o Monark Garden, Marriage or Wedding Hall, Amar Cinema Road, Chhoti Kalyani, P.S- Motijheel, Dist- Muzaffarpur
7. Chairman, Bihar Pollution Control Board, Patna

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Alok Kumar Sinha, Advocate
For the Respondents	:	Md. Iqbal Asif Niazi, AC to GP-5
For the Resp No. 6	:	Mr. Ram Pravesh Nath Tiwari, Advocate
For the Resp No. 7	:	Mr. Shivendra Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-01-2024 Heard learned counsel for the petitioner, learned counsel for the State, learned counsel for respondent no. 6 and learned senior counsel for the Bihar Pollution Control Board.

2. This writ application has been filed for the following reliefs:-

“(a) For issuance of appropriate writ, order or direction to protect and save the life of the petitioner from high sound of D.J. (Disc. Jockey) and Loud Speaker played by Respondent no. 6 of his wedding hall namely Monark Garden, Muzaffarpur as the same is

infringement of the fundamental right of the petitioner enshrined in Article 21 of the Constitution of India.

(b) For issuance of writ in the nature of mandamus directing the Respondents to register First Information Report against the Respondent No. 6 and to conduct a proper, fair and impartial investigation into the case.

(c) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The grievance of the petitioner is that respondent no. 6, who is the owner of a wedding hall, namely, Monark Garden situated just beside flat/apartment of the petitioner at Amar Cinema Road, Muzaffarpur, has installed D.J. (Disk Jockey) with seven to eight speakers and the same is played on the occasion of marriages at the wedding hall at a very high sound.

4. Learned counsel submits that the sound remains so loud that even the window panel, furniture and utensils of the flat of the petitioner starts trembling and the heartbeat of the petitioner starts beating at a very high speed which cause annoyances and the same is life threatening to the petitioner who is a Cancer patient.

5. Learned senior counsel for the Bihar Pollution

Control Board submits that the marriage hall of respondent no. 6 is categorized as Green Category Industrial Unit (G-52) and as such it is required to obtain consent from the State Board. Respondent No. 6 has made an application for obtaining 'Consent to Establish' (in short 'CTE') from the State Board and the same was granted to respondent no. 6 with several conditions. Respondent no. 6 is now required to obtain Consent to Operate (in short 'CTO') from the State Board.

6. It is further submitted that under the Noise Rules, 2000 and the Bihar Control of the Use and Play of Loud Speakers Act, 1955, the Police Department is the authority under the law to take action on violation of the said Rule and Act, as such a direction may be given to respondent nos. 4 and 5 to take proper steps to ensure that respondent no. 6 does not violate the provisions of the Noise Rules and the relevant law on the subject.

7. Learned counsel for respondent no. 6 submits that respondent no. 6 has given an undertaking to the concerned police station that he will not allow the DJ sets to play loudly and the volume of sound shall be kept within the permissible limits.

8. Having regard to the facts and circumstances of the

case, this Court is disposing of the present writ application with a direction to respondent nos. 4 and 5 to keep on taking undertakings from respondent no. 6 and renew the same from time to time that respondent no. 6 shall not allow to play DJ sets in marriage hall at high volume causing nuisances/disturbances to the local residents and in a case it is found that respondent no. 6 is violating the law and his undertaking, the respondent nos. 4 and 5 shall take immediate steps and strict action in accordance with law.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--