



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4959 OF 2024

Dr Shubhangi Satish Deshmane, Ramdaspath, Nagpur and ors.

-vs-

State of Maharashtra, Thr. Secretary, Dept. of Home Affairs, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri R. M. Bhangde, Advocate for petitioners.

Shri S.M. Ukey, Additional Government Pleader for respondent Nos.1 to 5.

Shri J. B. Kasat, Advocate for respondent No.6.

Shri Vipul P. Ingle, Advocate with Shri Supreet Singh Bagga, Advocate for respondent No.7.

Shri V. Subramaniam, Advocate h/f Shri S. S. Sanyal, Advocate for respondent No.8.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : September 30, 2024

P. C.

1. This petition is filed by Dr Shubhangi Deshmane and six others, the residents of Ramdaspath Nagpur, who are aggrieved by the permission being granted in favour of respondent No.7-Ramdaspath Plot Owners and Residents Association for conduct of the Garba/Dandia festivity during the Navratri to be held during 2023 and what is assailed before us is the order dated 13/10/2023 passed by the Assistant Commissioner of Police, granting such permission subject to the conditions that have been specified in the said order.

In continuation, another relief sought in the petition is, a declaration to the effect that the respondent Nos.4 to 6 cannot grant permission to organise "Garba/Dandia" for the Navratri 2024 and onwards at the subject venue and that too with the use of loudspeakers

and music systems etc.

2. As far as prayer clause (i) of the petition is concerned, we must record that this prayer has been rendered infructuous, as the permission granted by the order dated 13/10/2023 was restricted to the Navratri festival celebration for the year 2023.

As far as prayer clause(ii) is concerned, we are informed by Shri S. M. Uke, learned Additional Government Pleader that for the purpose of conduct of Garba/Dandia for Navratri 2024, the Senior Police Inspector, Police Station Sitabuldi has fixed a venue to be 'Maharajbag Club Lawn' near Bhole Petrol Pump, Civil Lines, Nagpur at a considerable distance from Ramdaspath area.

In the wake of the communication dated 30/09/2024, according permission to the Ramdaspath Plot Owners and Residents Association to celebrate Garba/Dandiya festivities at a different location than the one for which the permission was granted for the last year i.e. 2023, even prayer clause, (ii) in our view do not survive.

3. Though Shri Rahul Bhangde, learned counsel for petitioners is insistent in submitting before us that for the next coming years, there is every possibility that the permission may be granted to respondent No.6 and the venue shall be located somewhere near, or in Ramdaspath area, once again he will have to knock the door of the Court and therefore cognizance should be taken for not granting the permission

for the subsequent years to come, we are not persuaded by his submission as for the present year, the event is not to be held in Ramdaspath area.

4. Another prayer in the petition is in the form of a direction to respondent Nos.1 to 6 to declare the premises of “Mor Hindi Upper Primary School” as falling under ‘silence’ zone as per the Noise Pollution Rules, 2000.

We find substance in the aforesaid prayer as in terms of The Noise Pollution (Regulation and Control) Rules, 2000, it is the duty cast upon various Authorities to maintain sanctity of the environment, in the wake of the increasing ambient noise levels in public places and the Regulation specifically declares that the places where the schools, hospitals etc. are located to be declared as “silence zone”.

For an area specified in the Regulation surrounding the silence zone is also made imperative to maintain the ambient air quality, in respect of noise as specified therein.

5. It is not in any manner in dispute that respondent Nos.4 and 5 are responsible for implementation of the Noise Pollution Rules, acting on behalf of the Government or its departments.

We expect the petitioners to prefer a representation in that regard restricting themselves to a declaration in prayer clause (iv) of the petition that the premises of ‘Mor Hindi Upper Primary School’ are

falling in silence zone as per Noise Pollution Rules, 2000 within period of four weeks.

If such representation is made within aforesaid period, we expect the decision shall be taken on it within a period of three months.

6. The Writ Petition is disposed of accordingly with no order as to costs.

(Abhay J. Mantri, J.)

(Bharati Dangre, J.)