



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPPIL No. 88 of 2023**

In The Matter Of Suo Moto Public Interest Litigation, Regarding  
Noise Pollution Based on News Item

**Versus**

The Chief Secretary

**Order Sheet**

<b>19/12/2024</b>	<p>This is an office reference.</p> <p>Heard Mr.Prafull Bharat, leaned Advocate General assisted by Mr.Shashank Thakur, learned Deputy Advocate General for the respondent/State, Ms.Ashtha Shukla, learned counsel holding the brief of Mr.Trivikram Nayak, learned counsel for respondent No.2. Also heard Ms.Surya Kawalkar Dangi and Mr.Harshmander Rastogi, learned counsel for the interveners.</p> <p>In compliance of the Court's dated 20.11.2024,</p>

the additional reply has been filed on behalf of the State which is reproduced herein as under:

1. *“That, the present Public Interest Litigation has been registered Suo Moto by the Hon'ble Court as WP (PIL) 88/2023 on the basis of news item published in Dainik Bhaskar on 24/09/2023 and 29/09/2023 which is in relation to the use of Sound Amplifier during the current festive season.*

2. *It is submitted that the aforesaid PIL was listed for hearing on 20/10/2024 and after the hearing the parties the Hon'ble Court had directed as follows -*

*“Learned Advocate General is requested to go through the intervener's application and take further steps to curb the noise pollution and also look into the imposition of penalty and action taken against the violators on the second default. Further, learned Advocate General has objected to the*

*prayer made in the interim application.*

*List this case on 19th December, 2024."*

*3. The instant affidavit is being filed in view of the intervention application filed by Dr. Rakesh Gupta, who has filed an intervention application raising various allegations regarding noise pollution in District – Raipur.*

*4. It is stated that as the state instrumentalities have always been taking proper and appropriate steps for curbing the menace of noise pollution. It is also appropriate here to mention that the Section 15 of the Kolahal Niyamtran Adhiniyam, 1985 provides for increased penalty in case of second violation, which states-*

***"15. Penalty.***

*(1)Whoever contravenes or attemptsto contravene or abets the contravention of any of the provisions of this Act or*

*the rules made thereunder shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.*

*(2)Whoever after having been previously convicted of an offence punishable under sub-section (1) subsequently commits and is convicted of an offence shall be liable to twice the punishment which might be imposed on a first conviction under this Act."*

*5. That, the state authorities are keeping a strict vigilance on the persons spreading noise pollution and are also taking necessary action against them. It has been earlier submitted in the reply filed by the District Magistrate, Raipur on date 19/11/2024 that a total of 3 vehicles containing sound boxes have also been*

*seized and also a total of 312 various noise polluting instruments like sound boxes, amplifiers, angle light, sound system etc. It is also necessary to point out here that the list detailing the action taken against the noise pollution norms violators from October, 2022 to September, 2024 attached as Annexure F in the IA filed by Dr. Rakesh Gupta also details the facts that the state authorities have always seized all the noise polluting instruments such as amplifiers, loudspeakers, top speakers, sound boxes, sound systems etc. and have also seized the vehicles carrying such noise pollution instruments. The state authorities are taking stringent actions and are seizing the noise pollution instruments at every instance of the violations observed or complained of.*

*6. That, it is also evident to mention here*

*that the intervenor has been asking for directions from this Hon'ble Court that the action shall be taken against the violators by the authorities under the Noise Pollution (Regulation and Control) Rules, 2000. The authorities which can take 10.G.Vaction under the said rules have been defined under rule 2(c) which Creads as follows-*

*"(c)"authority" means and includes any authority or officer authorized by the Central Government, or as the case may be, the State Government in accordance with the laws in force and includes a District Magistrate, Police Commissioner, or any other officer not below the rank of the Deputy Superintendent of Police designated for the maintenance of the ambient air quality standards in respect of noise under any law for*

*the time being in force"*

*7. That, the state authorities are taking appropriate measures and action against high beam lights and laser lights in addition to taking action against DJ's and sound systems and is maintaining a strict vigilance for the same.*

*8. That, the submissions made hereinabove and the factual pleading contained therein are true to my information as derived from the official records and believed by me to be true."*

It transpires from the order passed by this Court on 20.11.2024 so far as the second default committed by the person concerned in respect of violation of Noise Rules 2000, it has been alleged by the intervener that the same penalty has been imposed which was earlier imposed upon the violator and there appears to be no reply has been given with respect to the said fact in the affidavit which has been filed today.

Learned Advocate General appearing for the

respondent/State submits that he has convened a meeting on that aspect and would file an affidavit with respect to second aspect as well as the applicability of the Rules 2000 by the next date of the authority concerned.

Let the matter be listed again on **29.01.2025**.

Sd/-

**(Amitendra Kishore Prasad)**  
**Judge**

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**