



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 & Others

Order Sheet

15/04/2025	Proceedings of this matter have been taken through Video Conferencing. This is an office reference. Heard Mr. Shashank Thakur, learned Deputy Advocate General for the State, Ms. Astha Shukla, learned counsel on behalf of Mr. Trivikram Nayak, learned counsel for the respondent No. 2 as well as Mr. Sajal Kumar Gupta, learned counsel for the Intervenor. On the last date of hearing i.e. on 02.04.2025, this Court had directed the District Magistrate / Collector, Bilaspur to file his

personal affidavit with respect to the collapsing of a balcony because of the vibration generated from DJ.

In compliance of the above, an affidavit has been filed by the Collector, Bilaspur, on 09.04.2025, the relevant portion of the same reads as under:

"4. That, in compliance of the above mentioned order, the deponent formed a committee to determine the cause of collapse of the balcony. With SDM (Revenue) Masturi as the head, the committee consists of the following members-

- SDM (Police) Masturi.*
- Executive Engineer, Public Works Department, Bilaspur.*
- Regional Officer, Chhattisgarh Environment Conservation Board, Bilaspur.*

A copy of the formation order of the committee dated 04/04/2025 is attached as Annexure-D/1 with this affidavit.

5. That, the SDM (Revenue) Masturi, submitted the report of the committee to the deponent by his letter dated 07/04/2025. The committee report states that

- The letter dated 07/04/2025 of the Regional Officer, Chhattisgarh Environment Conservation Board states that as per the Rule 3(1) and 4(1) of the Noise Pollution (Regulation and Control) Rules, 2000 as notified by Environment and Forest Ministry, Government of India, the permissible limit for noise in residential areas during day time (from 6 AM to 10 PM) is 55 db(A)Leq* and during night time (from 10 PM to 6 AM) it is 45 db(A)Leq*. The letter further states that it is very unlikely that a building could collapse/fall apart due to noise pollution. For*

	<i>noise pollution to affect the structural integrity of a building, it should be above 150 db(A)Leq* and then also, the possible of such noise pollution causing a building to collapse is quite low. If the noise level is above 85 db(A)Leq", it can damage the hearing of a human. If the noise level is above 150 db(A)Leq* then it can cause permanent damage to one's hearing and can also cause sharp and unbearable pain in the ears.</i> <i>• The committee inspected the building in question on date 07/04/2025. During inspection, it was found that the iron rods used in the building were in a bad condition. The iron rods were observed as rusted on several spots in the building and has gotten thin because of rusting. There is a 1 meter high parapet wall at the edge of the balcony which has been made of bricks. Because the said parapet wall was around 9.50 meter long and there was no support to the wall along its length and because the parapet wall was at the edge of the balcony, all the weight was being put on the balcony. Thus, it can be said after examining the remaining portion of the collapsed balcony that the possibility of collapse was quite high.</i> <i>• During inspection, the statement of Mr. Romit Kevat S/o Parmenshwar Kevat, resident of Ward 11, Nagar Panchayat Malhar was recorded. He states that to celebrate Hindu Nav Varsh, a DJ was arranged on the date of the incident Around at 8 PM, DJ was playing near the house of Tukesh Kevat and some people were dancing Him and some of his friends were sitting someplace nearby Then, sound of something collapsing and screaming was heard. Romit arrived at the spot and saw that the balcony of the house of Tukesh Kevat had collapsed, and 2 3 people were trapped under the rubble Romit</i>
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	<i>and his friends helped the people stuck under the rubble. A wire was stuck around the angle of the DJ carrying Majda car. Someone freed the wire and the DJ carrying car left the place of the incident. Sometime after, police arrived and injured were taken to the hospital. Romit also states that the house of Tukesh Kevat was quite old.</i> <i>• The statement of Mr. Rahul Kevat S/o Ramayan Kevat, resident of Ward 11, Nagar Panchayat Malhar was also recorded. He states that to celebrate the Hindu Nav Varsh, DJ was arranged which was being carried in a Majda car. DJ entered the area Dadineshwari Temple side. DJ arrived near the house of Tukesh Kevat. Rahul was at about 5-6 houses away from the DJ. Around 8 PM, commotion was heard from near the house of Tukesh Kevat. A crowd has formed there. A wire was stuck in the DJ carrying Majda Car and 7-8 people were stuck under the rubble of the collapsed balcony. People living nearby were taking the injured to the hospital.</i> <i>• The statement of Mr. Sanju Kevat S/o Rahas Lal, resident of Ward 11, Nagar Panchayat Malhar was also recorded. He states that to celebrate the Hindu Nav Varsh, DJ was arranged which was being carried in a Majda car. The DJ first went towards the Dadineshwari Temple and then arrived in the area. Sanju was at about 4-5 houses away from the DJ. Around 8 PM, the balcony of the house of Tukesh Kevat collapsed and 7-8 people were injured because of the said balcony collapse When he went behind, he saw that a wire (electricity connection from the pole) was stuck in the DJ carrying car. People living nearby were taking the injured to the hospital.</i> <i>• The statement of Mr. Rajeshwar Kevat S/o Jankumar, resident of Ward 11, Nagar Panchayat Malhar was also recorded. He states that to</i>
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	<i>celebrate the Hindu Nav Varsh, DJ was arranged People were dancing to the DJ in the various colomes in Malhar. Around 8.30 PM, DJ was playing near the house of Tukesh Rajeshwar was sitting at about 4-5 houses away from the DJ. Suddenly, the balcony of the house of Tukesh Kevat collapsed and people started screaming. I rushed to his house and there was a crowd of around 40-50 people and 7-8 people have been injured. The people present there told me that a wire was stuck in the angle of the DJ system. The wire was removed and the DJ carrying Majda car fled from the there. People living nearby were taking the injured to the hospital. The house of Tukesh Kevat was quite old Cracks and iron rods were seen after the collapse.</i> <i>In response to the incident, criminal case no 198/2025 under sections 105, 281, 125(A) of the Bhartiya Nyay Sahita, 2023 as well as under Sections 3, 5 and 15 of the Chhattisgarh Kolahal Niyamtran Adhiniyam, 1985 have been registered in Police Station Masture against Raj Bawre (driver of the DJ carrying Swaraj Majda CG 10 AF 0109), DJ operator Dharmendra Kevat, Suresh Kevat and Ramcharan Kevat and appropriate action are being take against them. Dharmendra Kevat S/o Battulal and Raj Bawre S/o Rajendra Bawre have been arrested by the police.</i> <i>A copy of the committee report dated 07/04/2025 submitted to the deponent is attached as Annexure-D/2 with this affidavit.</i> <i>6. That, the Senior Superintendent of Police, Bilaspur has submitted progress report to the deponent by his letter dated 29/03/2025. The report states that DJ was arranged for celebrating the Hindu Nav Varsh. The DJ carrying Swaraj Majda Car (CG 10 AF 0109) was playing the DJ quite loudly and at around 8:30 PM in the night, it was passing by the house of Tukesh Kevat.</i>
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The road is narrow there and the driver was asked to not ply the vehicle through the narrow road, but the driver did not listen. The body of the DJ carrying car hit the balcony of the house of the Tukesh Kevat and balcony collapsed. The 10 children dancing behind the DJ suffered injury, 03 of them had simple injured and 7 of them had serious injuries. All the injured children were referred to the District Hospital on date 30/03/2025. One Prashant Kevat had a serious injury. He was taken to CIMS Bilaspur, but was then referred to New Janta Hospital, where he unfortunately passed away on date 31/03/2025. On the statement of Mr. Bharat Lal Kevat, the case was registered as criminal case no 198/2025 under sections 105, 281. 125(A) of the Bhartiya Nyay Sahita, 2023 as well as under Sections 3, 5 and 15 of the Chhattisgarh Kolahal Niyamtran Adhinyam, 1985. Because of violation of the Motor Vehicle Act, 1988, Sections 208 (2),(3) and 177 of the Motor Vehicle Act, 1988 have been added to the criminal case. On date 01/04/2025, Dharmendra and Raj Bawre were summoned in the Malhar Police Chowki and it was found that they obtained no permission for using that DJ. They both have been arrested and the DJ carrying Majda Car (CG 10 AF 0109) has also been seized. The FSL team has inspected the place of the incident and their report is awaited. Statement of witnesses have been taken, which corroborate the FIR. In light of the investigation done and as per the statements of the witness's and the evidence available, it seems that the balcony collapsed because the DJ carrying car hit the balcony, Further investigation is still being done in the matter.

A copy of the progress report as submitted by the Senior Superintendent of Police, Bilaspur is attached as Annexure-D/3 with this affidavit."

From perusal of the above affidavit, it transpires that the building which collapsed was not on account of the vibration

generated from the DJ but because of the dashing of the vehicle on which the DJ equipments were mounted as the Driver of the vehicle plied the vehicle in a narrow street where there was no proper space for passing of the vehicle. FIR has been registered at Police Station Masturi, against one Raj Bawre, driver of the vehicle i.e. Swaraj Mazda carrying the DJ, and DJ Operators Dharmendra Kevat, Suresh Kevat and Ramcharan Kevat. Out of these, Dharmendra Kevat and Raj Bawre have been arrested by the Police.

In view of the same, the issue with respect to collapsing of the balcony, is hereby dropped. So far as other issues relating to noise pollution is concerned, let the matter be listed again on **30th June, 2025** for further monitoring.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit