

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

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

13/12/2023	<p>The present public interest litigation has been registered on suo moto cognizance taken by this Court on the basis of news item published in Dainik Bhaskar on 28.09.2023 and 29.09.2023 which is in relation to use of sound amplifiers during the current festive season.</p> <p>Mr. Chandresh Shrivastava, learned Additional Advocate General for the State/respondents No. 1, 4 to 6.</p> <p>Mr. K.K. Dewangan, Advocate submits that he has filed an application for intervention on behalf of Mr. Amit Kumar Mall.</p> <p>Ms. Surya Kawalkar Dangi, Advocate for intervention on behalf of Chhattisgarh Nagrik Sangharsh Samiti.</p> <p>Heard on I.A. No. 03 of 2023, an application for permission to intervener in the instant writ petition.</p> <p>Learned counsel for the State submits that because of the change of senario, he is unable to assist the Court and prays for adjournment.</p> <p>On the last date of hearing following order has been passed by this Court :-</p> <p>“When a pointed query was being made to the learned State Counsel with respect to the noise pollution which is created by special horns, speakers, loud-speakers etc. around the hospitals, educational</p>

institutions and Courts, the State Counsel referring to the letter dated 19.10.2023 stated that direction has already been issued to identify sensitive areas specifically prohibiting noise pollution and has further sought time to seek instruction pointing out that silence zones has to be declared by the competent authority in terms of the Act and the Rules which also might have been done from time to time.

In view of above, let the Chief Secretary, Government of Chhattisgarh file a detailed affidavit with regard to the steps taken by the State in terms of Section 18 of the Act of 1985 and the Rules of 2000 for declaring silence zones around hospitals, educational institutions and courts.

Learned State Counsel has assured the Court that silence zone would also be declared by the competent authority from the starting point till the ending point of the High Court area as per the Act and Rules, if not done earlier.”

Compliance report has been filed by the State/respondent today itself.

Considering the fact that the restriction made for use of the DJ etc. in the marriage party there appears to be no strict compliance of the rules and regulation and the orders of the Apex Court in this regard, we find that still noise pollution going on in the State which is being reported through social media and news papers. Today also an intervention application (I.A. No. 3 of 2023) has been filed by Amit Kumar Mall that some noise pollution is going on within area in which he is residing and the administration is not implementing the norms made in this respect.

Considering the said fact all the District Magistrates of the State are directed that rules and regulations as pointed out in the earlier orders dated 29.09.2023, 10.10.2023 and 20.11.2023 passed

by this Court in this case should be followed in its letter and spirit, failing which the Court will be compelled to draw adverse inference against them.

Let a copy of this order be sent to the Chief Secretary of the State of Chhattisgarh who shall communicate the same to all the District Magistrates of this State for necessary information and its compliance forthwith.

List this case on 17.01.2024.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice