

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR CONTEMPT) NO. 649 of 2025****In R/WRIT PETITION (PIL)/101/2022**=====

AMIT MANIBHAI PANCHAL

Versus

KAIVAN M. DASTOOR & ORS.

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Appearance:

MR AMIT M PANCHAL(528) for the Applicant(s) No. 1

MR GH VIRK GOVERNMENT PLEADER WITH MS SHRUTI DHURVE AGP
(7392) for the Opponent(s) Nos.2 to 4MS MANISHA LAVKUMAR SHAH SR.ADV. WITH MR CHINTAN H DAVE
AGP(7193) for the Opponent(s) No. 3

MAUNIL G YAJNIK(9346) for the Opponent(s) No. 1

MR DHURV R THAKKAR(11280) for the Opponent(s) No. 7

MR GH VIRK SR.ADV. WITH MR SIMRANJITSINGH H VIRK(11607) for the
Opponent(s) No. 6NOTICE SERVED for the Opponent(s) No. 2,4

=====**CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA**

and

HONOURABLE MR.JUSTICE L. S. PIRZADA**Date : 15/09/2025****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. When the matter is taken up today, the learned Senior Advocate Ms.Manisha Lavkumar Shah appearing with learned A.G.P. Mr.Chintan Dave for the respondent no.3 has pointed out the affidavit-in-rejoinder dated 11.09.2025 filed by the respondent No.3 - Gujarat Pollution Control Board, wherein a specific statement is made in paragraph No.3 that the orders and directions issued by this Court from time to time are required to be followed and complied with by the authorities

and the deponent has always complied with all the directions. An issue with regard to the maintainability and entertainability of the present contempt proceedings is also raised. Learned Additional Advocate General has further pointed out that the Home Department has issued a resolution dated 04.05.2024 and a further circular dated 16.06.2025 is also issued regulating the noise from DJ Trucks / Loud Speakers in view of the orders passed in the PIL pending before the First Court. Thus, she has submitted that the present Standard Operating Procedure (SOP) will take care of the concerns expressed by the present petitioner, and the contempt application may not be entertained.

2. In response to the aforesaid submissions, learned advocate Mr.Amit Panchal, while addressing the maintainability and entertainability of the present contempt petition, has pointed out the directions issued by the Supreme Court in the case of **Noise Pollution (V), IN RE With Forum, Prevention of Environmental & Sound Pollution vs. Union of India & Anr., (2005) 5 S.C.C. 733**, more particularly, paragraph Nos.175 to 178 and has submitted that in fact, the Supreme Court has way back in the year 2005 has directed the States to implement the Noise Pollution (Regulation and Control) Rules, 2000. It is submitted that such directions are issued by the Supreme Court under Articles 141 and 142 of the Constitution of India. While referring to the directions, learned advocate Mr.Panchal has placed reliance on the judgment of the Supreme Court in the case of **Priya Gupta & Anr. vs. Additional Secretary,**

Ministry of Health and Family Welfare and Ors., (2013)

11 S.C.C. 404 and has submitted that the Supreme Court has categorically observed that no Court or Tribunal or any authority can ignore the law declared by the Supreme Court in terms of Article 141 of the Constitution of India. It is submitted that the Supreme Court has also dealt with the contemptuous conduct of violating the directions issued by the Supreme Court.

3. Learned advocate Mr.Panchal has also referred to the Notification dated 03.12.2019 issued by the State Government, regulating the sound systems by installing a sound limiter. Further, reference is made to the directions issued by the Division Bench headed by the Hon'ble the Chief Justice, vide order dated 04.03.2024 passed in Writ Petition (PIL) No.101 of 2022. It is submitted that the Standard Operating Procedure does not effectively deal with the directions issued by the Supreme Court and this Court and the respondent authorities have not yet purged the contempt by effectively implementing their own Notification as well as the policy regulating the noise pollution. He has also referred to the news articles pointing out the blatant violations of the directions issued by the Supreme Court and also the Notification dated 03.12.2019 and the subsequent Government Resolutions. It is thus, submitted that the statutory mandate of the rules as well as the directions are violated.

4. In the present contempt petition, the respondents have raised the issue of maintainability and entertainability of the petition.

5. We may at the outset, refer to the directions issued by the Division Bench headed by the Hon'ble the Chief Justice on 04.03.2024 in Writ Petition (PIL) No.101 of 2022. The PIL has been filed, raising non-compliance of the Notification dated 03.12.2019 issued by the State Government and also the violation of Noise Pollution (Regulation and Control) Rules, 2000 issued under the Environment (Protection) Act, 1986. The Division Bench has directed the respondent - State authorities to file an affidavit about the compliance/non-compliance of the Notification dated 03.12.2019 and the steps taken by the Gujarat Pollution Control Board, if any, against the offender on the information supplied by any of the competent authorities, who are required to ensure the compliance of the Notification dated 03.12.2019. The said petition is still pending and is listed for further hearing on 28.11.2025.

6. As we have already referred to the directions issued by the Supreme Court in the case of **Noise Pollution (V), IN RE With Forum, Prevention of Environmental & Sound Pollution (supra)**, it would be apposite to incorporate the same as under:-

“175. 1. The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise

standards for the area or 75 dB(A) whichever is lower.

2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10.00 p.m. and 6.a.m.) except in public emergencies.

3. The peripheral noise level of privately owned sound system shall not exceed by more than 5 dB(A) than the ambient air quality standard specified for the area in which it is used, at the boundary of the private place.

(iii). Vehicular Noise

176. No horn should be allowed to be used at night (between 10 p.m. and 6 a.m.) in residential areas except in exceptional circumstances.

(iv) Awareness

177. 1. There is a need for creating general awareness towards the hazardous effects of noise pollution. Suitable chapters may be added in the text-books which teach civic sense to the children and youth at the initial/early-level of education. Special talks and lectures be organised in the schools to highlight the menace of noise pollution and the role of the children and younger generation in preventing it. Police and civic administration should be trained to understand the various methods to curb the problem and also the laws on the subject.

2. The State must play an active role in this process. Residents Welfare Associations, Service Clubs and Societies engaged in preventing noise pollution as a part of their projects need to be encouraged and actively involved by the local administration.

3. Special public awareness campaigns in anticipation of festivals, events and ceremonial occasions whereat firecrackers are likely to be used, need to be carried out.

The abovesaid guidelines are issued in exercise of power conferred on this Court under Articles 141 and 142 of the Constitution. These would remain in force until modified by this Court or superseded by an appropriate legislation.

(v) Generally

178. 1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits.

2. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air-quality standards in respect of noise for different areas/zones, categorization of the areas for the purpose of implementation of noise standards, authorizing the authorities for enforcement and achievement of laid down standards. The Central Government/State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done.”

7. The Supreme Court has issued the aforementioned guidelines in exercise of power conferred under Articles 141 and 142 of the Constitution of India.

8. At this stage, we may refer to the observations of the Supreme Court in the case of ***Priya Gupta and Anr. (supra)***, which are as under:-

“12. The government departments are no exception to the consequences of wilful disobedience of the orders of the Court. Violation of the orders of the Court would be its disobedience and would invite action in accordance with law. The orders passed by this Court are the law of the land in terms of Article 141 of the Constitution of India. No court or tribunal and for that matter any other authority can ignore the law stated by this Court. Such obedience would also be conducive to their smooth working, otherwise there

would be confusion in the administration of law and the respect for law would irretrievably suffer. There can be no hesitation in holding that the law declared by the higher court in the State is binding on authorities and tribunals under its superintendence and they cannot ignore it. This Court also expressed the view that it had become necessary to reiterate that disrespect to the constitutional ethos and breach of discipline have a grave impact on the credibility of judicial institution and encourages chance litigation. It must be remembered that predictability and certainty are important hallmarks of judicial jurisprudence developed in this country, as discipline is sine qua non for effective and efficient functioning of the judicial system. If the Courts command others to act in accordance with the provisions of the Constitution and to abide by the rule of law, it is not possible to countenance violation of the constitutional principle by those who are required to lay down the law. (Ref. *East India Commercial Co. Ltd. v. Collector of Customs* [AIR 1962 SC 1893] and *Official Liquidator v. Dayanand* [(2008) 10 SCC 1 : (2009) 1 SCC (L&S) 943] .) (SCC p. 57, paras 90-91)

13. These very principles have to be strictly adhered to by the executive and instrumentalities of the State. It is expected that none of these institutions should fall out of line with the requirements of the standard of discipline in order to maintain the dignity of institution and ensure proper administration of justice.

19. It is true that Section 12 of the Act contemplates disobedience of the orders of the court to be wilful and further that such violation has to be of a specific order or direction of the court. To contend that there cannot be an initiation of contempt proceedings where directions are of a general nature as it would not only be impracticable, but even impossible to regulate such orders of the court, is an argument which does not impress the court. As already noticed, the Constitution has placed upon the judiciary, the responsibility to interpret the law and ensure proper administration of justice. In carrying out these constitutional functions, the courts have to ensure that dignity of the court, process of court and respect for administration of justice is maintained. Violations which are likely to impinge upon the faith of the public in administration of justice and the court system must be punished, to prevent repetition of such behaviour and the adverse impact on public faith. With

the development of law, the courts have issued directions and even spelt out in their judgments, certain guidelines, which are to be operative till proper legislations are enacted. The directions of the court which are to provide transparency in action and adherence to basic law and fair play must be enforced and obeyed by all concerned. The law declared by this Court whether in the form of a substantive judgment inter se a party or are directions of a general nature which are intended to achieve the constitutional goals of equality and equal opportunity must be adhered to and there cannot be an artificial distinction drawn in between such class of cases. Whichever class they may belong to, a contemnor cannot build an argument to the effect that the disobedience is of a general direction and not of a specific order issued inter se parties. Such distinction, if permitted, shall be opposed to the basic rule of law.

21. *These directions are intended to serve a greater public purpose and are expected to be within the knowledge of all persons concerned besides the fact that the law declared by this Court is deemed to be known to all concerned. The violation of general directions issued by this Court would attract the rigours of the provisions of the Act. Whether for such violation or non-compliance, the Court would punish a person or persons, would always depend upon the facts and circumstances of a given case. It is not possible to provide any straitjacket formula that is universally applicable to all cases. All that we have to examine is whether the apology tendered is bona fide, when examined in the light of the attendant circumstances and that it will be in the interest of justice to accept the same.*

23. *The provisions of the Act do not admit any discretion for the initiation of proceedings under the Act with reference to an order being of general directions or a specific order inter se the parties. The sine qua non to initiation of proceedings under the Act is an order or judgment or direction of a court and its wilful disobedience. Once these ingredients are satisfied, the machinery under the Act can be invoked by a party or even by the court suo motu. If the contention raised on behalf of the contemnor is accepted, it will have inevitable consequences of hurting the very rule of law and, thus, the constitutional ethos. The essence of contempt jurisprudence is to ensure obedience of orders of the Court and, thus, to maintain the rule of law. History tells us how a State is protected by its courts and an independent judiciary*

is the cardinal pillar of the progress of a stable Government. If over-enthusiastic executive attempts to belittle the importance of the court and its judgments and orders, and also lowers down its prestige and confidence before the people, then greater is the necessity for taking recourse to such power in the interest and safety of the public at large. The power to punish for contempt is inherent in the very nature and purpose of the court of justice. In our country, such power is codified. It serves at once a dual purpose, namely, as an aid to protect the dignity and authority of the court and also in aiding the enforcement of civil remedies. Looked at from a wider perspective, contempt power is also a means for ensuring participation in the judicial process and observance of rules by such participants. Once the essentials for initiation of contempt proceedings are satisfied, the court would initiate an action uninfluenced by the nature of the direction i.e. as to whether these directions were specific in a lis pending between the parties or were of general nature or were in rem.

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26. *As already noticed, contempt proceedings are intended to ensure compliance of the orders of the Court and adherence to the rule of law. The directions are binding and must be obeyed by the parties and all concerned stricto sensu. In fact, the directions of the present kind are to be placed at a higher pedestal as compared to cases where the matter is inter se between two parties to the lis as they are intended to attain a greater purpose and ensure adherence to rule of law in a particular process which otherwise would be arbitrary and violative of constitutional mandate. In Asha v. Pt. B.D. Sharma University of Health Sciences, this Court held as under : (SCC pp.400-01, paras 25-26)*

“25. Strict adherence to the time schedule has again been a matter of controversy before the courts. The courts have consistently taken the view that the schedule is sacrosanct like the rule of merit and all the stakeholders including the authorities concerned should adhere to it and should in no circumstances permit its violation. This, in our opinion, gives rise to dual problem. Firstly, it jeopardises the interest and future of the students. Secondly, which is more serious, is that such action would be ex facie in violation of the

orders of the court, and therefore, would invite wrath of the courts under the provisions of the Contempt of Courts Act, 1971. In this regard, we may appropriately refer to the judgments of this Court in *Priya Gupta, State of Bihar v. Sanjay Kumar Sinha*, *Medical Council of India v. Madhu Singh*, *GSF Medical and Paramedical Assn. v. Assn. of Self Financing Technical Institutes and Christian Medical College v. State of Punjab*.

26. The judgments of this Court constitute the law of the land in terms of Article 141 of the Constitution and the regulations framed by the Medical Council of India are statutorily having the force of law and are binding on all the parties concerned. Various aspects of the admission process as of now are covered either by the respective notifications issued by the State Governments, prospectus issued by the colleges and, in any case, by the regulations framed by the Medical Council of India. There is no reason why every act of the authorities be not done as per the procedure prescribed under the Rules and why due records thereof be not maintained. This proposition of law or this issue is no more res integra and has been firmly stated by this Court in its various judgments which may usefully be referred at this stage. (Ref. State of M.P. v. Gopal D. Tirthani [(2003) 7 SCC 83], State of Punjab v. Dayanand Medical College & Hospital [(2001) 8 SCC 664], Bharati Vidyapeeth v. State of Maharashtra [(2004) 11 SCC 755], Chowdhury Navin Hemabhai v. State of Gujarat [(2011) 3 SCC 617] and Harish Verma v. Ajay Srivastava [(2003) 8 SCC 69 : 2004 SCC (L&S) 512] .)”

9. The conspectus of the aforesaid observations issued by the Supreme Court is that the directions and orders passed by the Supreme Court under Article 141 of the Constitution of India, are the laws of the land and no Court or Tribunal or any authority can ignore the laws stated by this Court. The

Supreme Court has asserted that there can be no hesitation in holding that the law declared by the higher Court in the State is binding on authorities and Tribunals. It is held that the violations, which are likely to impinge upon the faith of the public in the administration of justice and the Court system must be punished to prevent repetition of such behaviour and the adverse impact on public faith. It is reiterated that the Courts have issued directions and even spelt out in their judgments certain guidelines, which are to be operative till proper Legislation is/are enacted, and the directions of the Court which are to provide transparency in action and adherence to basic law and fair play must be enforced and obeyed by all concerned. The Supreme Court, while examining the provisions of Section 12 of the Contempt of the Courts Act, has held that once the essentials for initiation of contempt proceedings are satisfied, the Court would initiate an action uninfluenced by the nature of the direction i.e. as to whether these directions were specific in a *lis* pending between the parties or were of general nature or were in *rem* since the provisions of the Contempt of the Courts Act do not admit any discretion for the initiation of proceedings under the Contempt of the Courts Act with reference to an order being of general directions or a specific order *inter se* the parties, and the *sine qua non* to initiate the proceedings under the Contempt of the Courts Act is an order or judgment or direction of a court and its wilful disobedience. Once these ingredients are satisfied, the machinery under the Act can be invoked by a party or even by the court suo motu. It is asserted by the Supreme Court that the essence of contempt

jurisprudence is to ensure obedience of orders of the Court and, thus, to maintain the rule of law.

10. The aforesaid directions are further reiterated by the Supreme Court in the case of **Girish Mittal vs. Parvati vs. Sundaram and Anr., (2019) 20 S.C.C. 747**, and it is reiterated that if the directions issued by the Supreme Court are general in nature, then any violation of such directions would enable an aggrieved party to file a contempt petition.

11. Thus, the directions issued by the Supreme Court under Articles 141 and 142 of the Constitution, being the law of the land are required to be complied with in order to see that the senior citizens, children, persons suffering from medical issues, and students do not suffer due to blatant uncontrolled, and unregulated use of loudspeakers and D.J Trucks. In the writ PIL, the Division Bench vide order dated 04.03.2024 had granted two weeks time to the State to bring on record the steps taken by the competent authorities, such as Police Authorities, Municipal Corporations, Municipal Councils, Nagar Panchayats, Panchayats in the State of Gujarat to ensure strict compliance of the Notification dated 03.12.2019 issued by the Gujarat Pollution Control Board, Gandhinagar. It was also directed that the Additional Chief Secretary (Home) shall also file an affidavit on the next date fixed, who shall collect information from all the concerned authorities, as noted hereinabove, from the entire State to bring before us as to what steps have been taken by them to ensure strict compliance of the Notification dated 03.12.2019 issued by the

Gujarat Pollution Control Board, Gandhinagar. Further, the Gujarat Pollution Control Board was also called upon to explain as to how it will ensure strict compliance of the Notification dated 03.12.2019, which prohibits sale / usage of any of the sound systems used in the Public Address System without installation/retrofitting of a sound limiter however, the compliance of curbing the noise pollution remains on paper.

12. Thus, so far as the contention raised before us by the respondents questioning the maintainability and entertainability of the present application is concerned, the same does not merit acceptance.

13. In line with the directions issued by the Supreme Court and this Court, the respondents have already formulated a policy and SOP for effective implementation of controlling the menace of noise pollution emanating from the DJ Trucks and loud speakers vide Notification dated 03.12.2019. Further, circulars dated 21.03.2024, 04.05.2024, and 16.06.2025 issued by the Home Department are also placed on record however, the implementation remains on paper. The competent officer/authority is indiscreetly issuing permissions to allow the use of loudspeakers and DJ Trucks without proper verifying their capacity to generate sound beyond the permissible limits.

14. While examining the present contempt proceedings, we cannot either direct the respondent - State authorities to modify or to add or to supplement or supplant the SOP, however, this Court is concerned with the effective

implementations of the directions issued by the Supreme Court. This Court cannot remain a mute spectator to the complete defiance of the directions and watch the vulnerable class of citizens suffer. Before the Division Bench, in writ PIL, the statements of the learned AGPs in the order dated 04.05.2024 promising for strict compliance of the Notification dated 03.12.2019 and steps taken by the Gujarat Pollution Control Board. Before us also, the respondents have filed an affidavit that the orders and directions issued by this Court from time to time are required to be followed and complied with by the authorities. We appreciate the steps taken by the respondent authorities in further publishing the SOP and issuance of the circular dated 16.06.2025. However, the only concern is with regard to its effective implementation of the direction issued by the Supreme Court in the judgment rendered in the case of **Noise Pollution (V), IN RE With Forum, Prevention of Environmental & Sound Pollution (*supra*)**.

15. The matter is further listed **for hearing on 10.11.2025**.

(A. S. SUPEHIA, J)

(L. S. PIRZADA, J)