

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. NOS.57-58 AND 60-61 IN WRIT PETITION (CIVIL) NO.72 OF 1998

IN RE:

NOISE POLLUTION - IMPLEMENTATION OF THE LAWS FOR RESTRICTING USE
OF LOUDSPEAKERS AND HIGH VOLUME PRODUCING SOUND SYSTEMS(For impleadment as party petitioner/directions, impleadment as
party respondent and office report)

Date: 13/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

Mr. Jitendra Sharma, Sr. Adv. (A.C.)

For Petitioner(s) Mr. Sandeep Narain, Adv.

For Respondent(s) Mr. S.W.A. Qadri, Adv.
Mr. M.P.S. Tomar, Adv.
Mr. Raj Kumar, Adv.
Mr. Duli Chand, Adv.
Mr. S.N. Terdal, Adv.
Ms. Anil Katiyar, Adv.

Mr. P. Parmeswaran, Adv.

Mr. S. Ravi Shankar, Adv.
Ms. Yamunah Nachiar, Adv.
Mr. V.K. Sidharthan, Adv.

for M/s. Arputham, Aruna & Co., Advs.

Mr. Jagjit Singh Chhabra, Adv.

Ms. Vartika Sahay, Adv.
for M/s. Corporate Law Group, Advs.

Mr. P.V. Yogeswaran, Adv.

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Mr. Vijay Panjwani, Adv.

Mr. M.A. Chinnasamy, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Nupur Kanungo, Adv.

Mr. Braj Kishore Mishra, Adv.

for M/s. Lawyer'S Knit & Co, Advs.

Mr. A. Raghunath, Adv.

Mr. K. Rajeev, Adv.

Mr. M.P. Vinod, Adv.

Mr. Gopal Balwant Sathe, Adv.

Mr. Dharam Bir Raj Vohra, Adv.

For Director,
Environment, Goa.

Mr. Bhavanishankar V. Gadnis, Adv.

Ms. B. Sunita Rao, Adv.

Ms. A. Subhashini, Adv.

Mr. Sanjay V. Kharde, Adv.

Ms. Asha G. Nair, Adv.

Mr. T. Harish Kumar, Adv.

Mr. Prasanth P., Adv.

Mr. V. Vasudevan, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Manjit Singh, Adv.

Mr. Kamal Mohan Gupta, Adv.

UPON hearing counsel the Court made the following
O R D E R

The question which arises for determination
in the present case is whether Order dated 3rd
October, 1997, purported to have been issued in
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exercise of powers conferred under Air (Prevention
and Control of Pollution) Act, 1981 and Environment
(Protection) Act, 1986, read with the order passed
by the Calcutta High Court dated 26th November, 1996
in Writ Petition No.2725 of 1996, by West Bengal
Pollution Control Board stands over-ruled by
Notification dated 5th October, 1999, issued by
Ministry of Environment and Forests in exercise of
powers conferred by Sections 6 and 25 of the
Environment (Protection) Act, 1986?

On the facts and circumstances of this
case, particularly, in view of the fact that Order
dated 3rd October, 1997, is also passed in pursuance
of the orders passed by the High Court, we are of
the view that the scope of the provisions of
Environment (Protection) Act, 1986, in the context
of Order issued by the West Bengal Pollution
Control Board needs to be reconciled with the
Notification dated 5th October, 1999, issued by the
Ministry of Environment and Forests. If the two
are irreconcilable, then the effect shall be
decided by the High Court. Accordingly, we direct
the petitioner-applicant(s) to move the High Court
under Article 226 of the Constitution, if so
advised.

The interlocutory applications are disposed
of.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar