

**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, State of Chhattisgarh & Others

29.09.2023	<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. S.C.Verma, learned Advocate General appearing with Mr. Chandresh Shrivastava, learned Additional Advocate General for the State/respondents No. 1, 4 to 6 fairly submits that the action that was required to be taken by the stake holders of the State has not been taken.</p> <p>The news item which have been published in the newspaper depicts a very alarming state of affairs as the old aged people, people suffering from various ailments, children and other residents of the area have to face great difficulties because of the noise pollution caused by the sound amplifiers/DJs. The elderly</p>



persons were constrained to leave their residence and to go to their relative's houses because of the extremely high volume of sound amplifiers/DJs.

The Supreme Court, in the matter of **Noise Pollution (V), In Re** {(2005) 5 SCC 733}, while dealing with the issue of noise pollution, observed at paragraph 102 as under:

"102. Quieness and freedom from noise are indispensable to the full and free enjoyment of a dwelling-house. No proprietor has an absolute right to create noises upon his own land, because any right which the law gives is qualified by the condition that it must not be exercised to the nuisance of his neighbours or of the public. Noise will create an actionable nuisance only if it materially interferes with the ordinary comfort of life, judged by ordinary, plain and simple notions, and having regard to the locality; the question being one of degree in each case. "

At paragraph 120 of the said judgment, the Supreme Court directed that the interim directions issued be given wide publicity both by electronic and print media. The Supreme Court also took note of the difficulties in implementation of noise pollution control





methodology in India. Paragraph 164 to 173 of the said judgment deals with the issue as to how to check/control noise pollution. For ready reference, we may quote some of the paragraphs relatable to this case, which reads as under:

“169. Not only the use of loudspeakers and playing of hi-fi amplifier systems has to be regulated, even the playing of high sound instruments like drums, tom-toms, trumpets, bugles and the like which create noise beyond tolerable limits need to be regulated. The law-enforcing agencies must be equipped with necessary instruments and facilities out of which sound level meters confirming to the Bureau of Indian Standards (BIS) code are a bare necessity.

170. Preventive measures need to be directed more effectively at the source. To illustrate, horns which is fitted in automobiles would create a honking sound beyond permissible limits, should not be allowed to be manufactured or sold in the market, as once they are available they are likely to be used.

171. Loudspeakers and amplifiers or other equipment or gadgets which produce offending



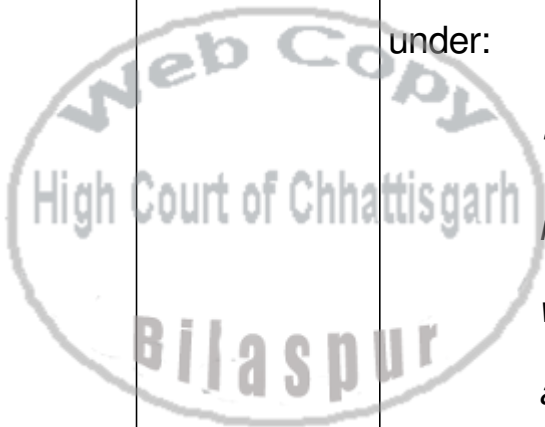


noise once detected as violating the law, should be liable to be seized and confiscated by making provision in the law in that behalf.”

As the aforesaid directions are being flouted and there is no check on the noise pollution by the State and its agencies, the same would amount to contempt of Court.

Further, in ***Balwant Singh v. Commissioner of Police & Others***, {(2015) 4 SCC 801}, at paragraph 17 has observed as under:

“17. The law on nuisance is well settled. Nuisance in any form as recognized in the law of torts, whether private, public or common which results in affecting anyone’s personal or/and property rights gives him a cause of action/right to seek remedial measures in court of law against those who caused such nuisance to him and further gives him a right to obtain necessary reliefs both in the form of preventing committing of nuisance and appropriate damages/ compensation for the loss, if sustained by him, due to causing of such nuisance. (See Ratanlal Dhirajlal – Law of Torts by G.P. Singh, 26th Edn., pp. 621, 637, 640).”





In ***Nitin Singhvi v. State of Chhattisgarh & Others*** {WPPIIL 112 of 2016}, a Division Bench of this Court, vide order dated 06.12.2016, while issuing various directions to the State observed as under:

“It is the duty of the State to ensure that the law is complied with in letter and spirit and violation of the law shall be strictly dealt with by this Court and the concerned officials may have to face contempt action from this Court if the law is violated.”

The said petition was disposed of on 27.04.2017 directing that the respondents shall collectively and individually abide by the letter and spirit of the directions contained in the judgment of the Hon'ble Supreme Court in ***Noise Pollution (V), In Re*** (supra).

The present condition of noise pollution in the city of Bilaspur which is writ large from the news clippings, is nothing but a contemptuous act on the part of the responsible State authorities who have failed to make any attempt in curbing the menace of noise pollution as even after passing various orders/directions by the Supreme Court as well as by this Court, the situation still persists.

It has been reported that a contempt petition being CONT No. 56 of 2013 relating to the issue of noise pollution arising out of



WPPIL No. 112 of 2016, is pending consideration before a Division Bench of this Court.

In the above facts situation, let the Chief Secretary, Government of Chhattisgarh, file a detailed affidavit in this matter with respect to the efforts taken by the State to eradicate the menace of noise pollution created by the sound amplifiers/DJs during such festive occasions including the preventive measures taken by the State and its instrumentalities.

List this matter again on **10th October, 2023**.

Mr. Ruhul Ameen Menon, learned counsel holding the brief of Mr. Abhijeet Mishra, learned counsel for the respondent No. 2, is present.

Sd/-
(N.K.Chandravanshi)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice