

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

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AMIT MANIBHAI PANCHAL
Versus
KAIVAN M. DASTOOR & ORS.

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Appearance:

MR AMIT M PANCHAL(528) for the Applicant(s) No. 1
MS MANISHA SHAH, ADDITIONAL ADVOCATE GENERAL for the Opponent
(s) No.2,3
CHINTAN H DAVE(7193) for the Opponent(s) No. 3
G H VIRK(7392) for the Opponent(s) No. 6
MAUNIL G YAJNIK(9346) for the Opponent(s) No. 1
MR DHRUV R THAKKAR(11280) for the Opponent(s) No. 7
MR SIMRANJITSINGH H VIRK(11607) for the Opponent(s) No. 6
NOTICE SERVED for the Opponent(s) No. 4

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CORAM: HONOURABLE MR. JUSTICE BHARGAV D. KARIA
and
HONOURABLE MR. JUSTICE L. S. PIRZADA

Date : 27/04/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. Heard the applicant, Mr.Amit Panchal, appearing as party-in-person and Ms.Manisha Shah, learned Additional Advocate General appearing for respondent nos.2 and 3.

2. This Court (Hon'ble Mr.Justice A.S.Supehia and

Hon'ble Mr.Justice L.S.Pirzada) passed an order on 15.09.2025 detailing the issues regarding the Noise Pollution in the State of Gujarat, which is not addressed as per the directions issued by the Hon'ble Supreme Court in case of **Noise Pollution (V) IN RE with Forum, Prevention of Environmental and Sound Pollution versus Union of India and Another** reported in **(2005) 5 SCC 783**.

3. It is very painful to note that even after 20 years from the issuance of the guidelines and the directions by the Hon'ble Supreme Court, we are facing the issue of Noise Pollution in the State of Gujarat. The Division Bench has also considered the decision in the case of **Priya Gupta and Another v. Additional Secretary, Ministry of Health and Family Welfare and Others** reported in **(2013) 11 SCC 404**, wherein the Hon'ble Apex Court has categorically observed that no Court or Tribunal or any authority can ignore the law declared by the Supreme Court under Article 141 of the Constitution of India. The Hon'ble Apex Court in the case of Noise Pollution (V), IN RE With Forum, Prevention of Environmental & Sound Pollution (supra), has observed 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.”

4. The Coordinate Bench has also considered the aforesaid directions issued by the Honourable Apex Court, in Para 6 of the order dated 15.09.2025, and thereafter has passed the following order :

“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).”

5. The respondent No.3-GPCB has filed the affidavit in reply placing on record the Notifications dated 21.03.2024, 04.05.2024 and 16.06.2025 issued by the Home Department of the State, wherein detailed SOP is prescribed as well as the instructions are issued to the authorities, which includes the District Magistrate, Police Commissioner, or any other officer not below rank of Deputy Commissioner, as per Rule 2(c) of the Noise Pollution (Regulation and Control) Rules 2000. Rule 2 (j) of the said Rules, defines “night time” means “the period between 10 p.m. and 6 a.m.”
6. The Notifications dated 21.03.2024, 04.05.2024 and 16.06.2025 also stipulate that the erring officers of the Police Department would be personally responsible for not following the Notification dated 03.12.2019 issued by the Gujarat Pollution Control Board, which provides as under:-

“No sound system should be sold/purchased/supplied/ installed/let out/ used by any manufacturer/dealer/ shopkeeper/ any agency who lets out the public address system etc./ individual without having sound limiter in it. Installation/retrofitting of sound limiter is

also mandatory to existing sound system. Further, all Licensing Authorities including Police Authorities, Municipal Corporation, Municipal Councils, Nagar Panchayats, Panchayat shall ensure that no audio system or public address system shall be let out/installed without being fitted with sound limiters in any government or non-government function and this condition be included in all licenses issued by respective agencies.”

7. Notification dated 21.03.2024 prescribes that the aforesaid notification dated 03.12.2019 is required to be implemented strictly and when it is found that Sound Systems are installed without Sound Limiter, the same is to be confiscated. Notification 04.05.2024 stipulates that the In-charge of PCR and In-charge of police team or authority shall be held directly responsible for not taking action for Noise Pollution during the night hours i.e. from 10:00 PM to 06:00 AM. The notification also provides for fixing the direct responsibility for not taking any action against the owner/operator of the Loudspeaker or for not confiscating such Sound System which is used in violation of the directions of the Hon'ble Apex Court as well as the Rules. Notification dated 16.06.2025 also provides for taking immediate actions for violation of the Noise Pollution Rules by the Loud Speaker or any type of Sound System placed on the D.J. Truck and to

confiscate such Sound System in case of violation.

8. At this stage, learned Additional Advocate General Ms.Manisha Shah, appearing for the respondents submitted that a detailed report shall be filed before the next date of hearing regarding the steps taken by the respondents to comply with the directions of the Hon'ble Apex Court as well as the Notifications dated 03.12.2019 issued by the GPCB and the Notifications dated 21.03.2024, 04.05.2024 and 16.06.2025 issued by the Home Department of the State of Gujarat.
9. At our request, Ms.Nipuna Torwane, the Home Secretary and Mr.R.B.Barad, Chairman of GPCB, are present virtually and have assured the Court that there shall be strict compliance of the directions of the Hon'ble Supreme Court and the Notifications issued for implementation of such directions .
10. We make it clear that if such directions issued by the Hon'ble Apex Court and the Notifications dated 21.03.2024, 04.05.2024 and 16.06.2025 are not complied with by the Police Officers and other authorities by not taking action against the persons committing the violation of such directions and notifications and for not confiscating the Sound Systems used in violation of such notifications either

in night hours from 10:00 PM to 06:00 AM or in D.J. Trucks, shall be liable for proceedings under the provisions of the Contempt of Courts Act, 1971.

11. Let a detailed report be filed on or before the next date of hearing as requested by learned Additional Advocate General Ms. Manisha Luvkumar Shah.

Stand over to 18.06.2026.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

RAGHUNATH R NAIR