IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 35005 OF 2026

Ashok Pathare } Petitioner

Versus

State of Maharashtra & Ors. } Respondents

Mr. Ashok Pathare, Petitioner in-person present.

Mr. Milind V. More, Addl. Govt. Pleader for Respondent Nos. 1, 2 and 3.

Ms.Jaya Bagwe a/w Manthan Joil for Respondent No. 4.

Mr. Joel Carlos a/w Ms. Oorja Dhond i/by Ms. Komal R. Punjabi for Respondent No. 5.

Mr. Anil Sakhare, Senior Advocate i/by Ajinkya Jaibhave a/w Vivek Salunkhe and Nidhi Karkhanis for Respondent Nos. 6 and 7.

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 4th November 2026

P.C.:

1. Heard Ld. Senior Counsel for the Respondent Nos. 6 and 7 along with the other Ld. Counsel for the respective parties.

2. At the very outset, our attention is drawn to the previous order dated 26th October 2026 passed by this Court. We had, at that

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

stage, recorded the grievance of the Petitioner, more particularly, to the effect that no effective steps have been taken by the State and/or its instrumentalities to regulate/control, much less curb noise pollution. In such backdrop, we had directed all Respondents to file their respective Affidavit-in-Reply to categorically provide for the steps taken to address the menace of noise pollution, placing on record the Policies/Rules/Regulations, given the massive construction activities ongoing in the city.

3. Mr. Joel Carlos, Ld. Counsel appearing on behalf of Respondent No. 5-BMC has invited our attention to the Affidavit-in-Reply dated 4th November 2026 filed on behalf of the said Respondent and submitted that on receipt of Complaint from Mahim Police Station, a Stop Work Notice was issued on 30th October 2026 to the Respondent No. 6-Developer as the work on site was being carried out beyond the outer limit of noise pollution of 55 decibels as defined by the Central Pollution Control Board (CPCB). By the said Notice, Respondent No.6 was directed to stop the construction work, failing which, it was informed that further prosecution will be initiated against the said Developer. He would further submit that the Municipal Commissioner has instructed all the concerned Officers to strictly adhere to the applicable norms established under law and to take all possible actions to ensure

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

that the grievances/complaints which are found to be genuine are addressed immediately.

4. Mr. Carlos would further submit that the Respondent No. 5-BMC has appointed Mr. Ajay Rane, Deputy Chief Engineer from the Department of Environment and Climate Change as the Nodal Officer for the purpose of ensuring compliance with respect to the Noise Pollution issue taken up by this Court in *Suo Motu* PIL No. 1 of 2026. The BMC has given also newspaper publications on 22nd October 2026 for awareness on the issue of Noise Pollution caused on account of burning of firecrackers during Diwali.

5. According to Mr. Carlos, the Respondent - BMC has also prepared visuals for awareness regarding the directions issued by this Court on the harmful/adverse effect of Noise Pollution caused due to burning of firecrackers at public places, roads etc. Mr. Carlos further submitted that the Respondent - BMC has its dedicated helpline number 1916 for Noise pollution complaints. The Disaster Management Department will receive such noise pollution complaints on the said helpline number and will forward the same to the concerned local Police Station immediately.

6. Mr. Carlos would further submit that all the concerned Officials of the Respondent - BMC have been directed by the said

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

circular dated 22nd October 2026 to ensure that all permissions for public gatherings and festivities are processed in such manner so as to ensure that there would be no Noise Pollution emanating from burning firecrackers.

7. Mr. Sakhare, Ld. Senior Counsel appearing on behalf Respondent Nos. 6 and 7 would submit that prior to issuance of the Stop Work Notice dated 30th October 2026, an earlier Stop Work Notice was issued on 22nd September 2026 to the said Respondents. In response thereto, the said Respondents had stopped the construction activity until the Stop Work Notice of 22nd September 2026 was revoked on 1st October 2026, following the compliance by the said Respondents, as required by the Respondent – BMC.

8. Mr. Sakhare would further submit that a Reply has been filed to the Stop Work Notice issued on 30th October 2026 by the Respondent - BMC. He would submit that after receipt of the said Notice, the construction activities at the site, have been stopped. Accordingly, he would urge that the Competent Authority of the Respondent - BMC be directed, by this Court, to adjudicate the said Notice at the earliest.

9. We have perused the Affidavit-in-Replies filed by the respective Respondents. At this stage, we consider it appropriate to record the

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

sum and substance of the said Replies in the following manner:

a) Affidavit-in-Reply of Respondent No. 3- The Secretary, Environment and Climate Change Department of Government of Maharashtra) :-

The Respondent - State by the said Affidavit has placed on record various Government Resolutions and Circulars issued from the year 2009 to 2017, concerning implementation of the Noise Pollution Rules, designation of authorities, restrictions on loudspeakers and constitution of monitoring committees. It is stated that continuous efforts are being undertaken to prevent and abate noise pollution.

b) Affidavit-in-Reply of Respondent No. 4- Maharashtra Pollution Control Board (MPCB) :-

The Respondent - MPCB by the said Affidavit states that pursuant to the Petitioner's complaint, it has inspected the redevelopment site on 22nd October 2026 and undertook further action in relation to the alleged noise pollution. The Affidavit also places the inspection reports dated 22nd October 2026 and 02nd November 2026, along with directions dated 03rd November 2026, on record.

c) Affidavit-in-Reply of Respondent No. 5 – BMC :-

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

The Respondent - BMC by the said Affidavit placed on record the steps taken in relation to the redevelopment project, including issuance of Stop Work Notices and measures concerning noise and air pollution. It also relies upon its existing guidelines, circulars and enforcement measures to demonstrate action taken by the Respondent - BMC.

10. In the aforesaid backdrop, we have heard Ld. Counsel for the respective parties. In our view, one cannot overlook the fact that noise pollution, more particularly, in the context of mushrooming construction site in Mumbai, is a serious issue. It needs to be urgently addressed. We may observe that there are strict norms prescribed under the Noise Pollution Laws/Acts, stipulating the threshold limits of decibel of sound/noise, which cannot be transgressed. In view thereof, such Laws, Rules, Regulations, framed therein ought to be strictly adhered to by all stakeholders including the Respondent Nos.6 and 7, in the present case, in letter and spirit.

11. We find merit in the cause espoused by the Petitioner who appears in person. Undoubtedly, it is the duty cast by the statue on the State, BMC and the Authorities to ensure that all steps are taken to strictly comply with the Pollution Control Norms. This cannot be merely reduced to paper compliance as what is required is effective implementation under the Noise Pollution Laws/Rules/Regulations so that the citizens can expect a pollution free environment, which is an integral part to Right to Life under Article 21 of the Constitution.

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

12. In light of the above, in our considered view, it would be trite to direct the Developers/Builders, more particularly, Respondent No.6 to file a prior Affidavit of Undertaking with this Court categorically stating that they would scrupulously comply with the noise pollution norms, at all times, under the statute/law, before any construction is permitted. In light of such Undertaking, the Developer/Builder/Respondent No. 6 in the given case, is put to notice that in the event of any non-compliance on its part, the same shall result in immediate stoppage of their construction activities. Mr. Sakhare, Ld. Senior Counsel for the Respondent Nos. 6 and 7 has volunteered to file such Affidavit of Undertaking within a period of 48 hours from the date of uploading of this order. Subject to compliance of the same, the Reply/Response of the said Respondents, to the Stop Work Notice dated 30th October 2026 issued by the Respondent - BMC, be considered in accordance with law.

13. Having observed the above, we clarify that this Court is not against the construction activities *per se.* However, statutory norms pertaining to noise/sound pollution have to be followed and the State and its instrumentalities/Authority shall take requisite enforcement measures in this regard, as the law would mandate. At this juncture, we would also express a word of caution. This to the effect that while the Developers/Builders would file their respective undertakings, including Respondent No. 6 in the given case, we expect that the statutory authorities shall act strictly in accordance with law, while monitoring such activities and not resort to means/measures which is forbidden by

Uploaded on - - Downloaded on - 05/11/2026 23:56:11

law.

14. With a view to facilitate proper and effective implementation of the above, this Court would be monitoring the matter on a regular basis. An endeavor would be made to have the matter listed every four weeks so as to consistently and continuously supervise the progress.

15. On a specific query to the Mr. More, Ld. Additional GP with regard to the stand of the Respondent-State in reference to paragraph 8 of the order dated 26th October 2026 *(supra),* Mr. More, seeks further time to place an Additional Affidavit to place on record such compliance.

16. Let the Additional Affidavit be filed by the Respondent-State as well as the other Respondents within two weeks from the date of uploading of this order. Affidavit-in-Rejoinder to the same be filed by the Petitioner in Person within a period of one week thereafter, if so necessary.

17. Stand over to **4th December 2026** for further consideration/reporting compliance.

JAYANT VISHWANATH SALUNKE

Digitally signed by JAYANT VISHWANATH SALUNKE
Date: 2026.11.05 11:23:14 +0530

[ADVAIT M. SETHNA, J.] **[CHIEF JUSTICE]**

Uploaded on - - Downloaded on - 05/11/2026 23:56:11