

Court No. - 1

Case :- P.I.L. CIVIL No. - 15385 of 2021 WWW.LIVELAW.IN

Petitioner :- Noise Pollution Thru Modified Silencers (Suo Moto)(P.I.L.)

Respondent :- State Of U.P. & Ors.

Counsel for Petitioner :- Suo Moto, Akanksha Dubey, Gaurav Mehrotra

Counsel for Respondent :- C.S.C., A K Verma

Hon'ble Ritu Raj Awasthi, J.

Hon'ble Abdul Moin, J.

Heard Sri Gaurav Mehrotra, learned amicus curiae assisted by Ms. Akanksha Dubey, Advocate, Sri Ashok Kumar Verma, learned counsel appearing for the respondent no. 4 and Sri H.P.Srivastava, learned Additional Chief Standing counsel appearing for the State-respondents.

This Court vide order dated 20.07.2021 had taken cognizance of the noise pollution through modified silencer. By the said order, the state authorities were required to take strict action in accordance with law and crack down on such vehicles causing noise pollution through modified silencer.

Personal affidavits have been filed in pursuance to the direction issued by this Court vide order dated 20.07.2021. Learned Amicus Curiae has also filed a report indicating the steps that can be taken by the state authorities in case they are serious in combating the menace of the noise pollution.

A perusal of the affidavit filed by the respondents no. 1, 2, 3 & 5 in pursuance to the order dated 10.08.2021 indicates that between 28.07.2021 to 20.08.2021, three checking squads were constituted and 1499 vehicles have been challaned on account of modified silencer, pressure horn and hooter.

Having gone through the affidavits of state authorities, the Court is pained to observe that only half hearted efforts have been made by the state authorities to control the noise pollution through modified silencers. The menace of noise pollution through modified silencer is open for all to see with vehicles roaring on the streets of Lucknow i.e the state capital and also other cities through out the state. If this is the effort made by the State authorities to control the noise pollution through modified silencer despite the specific order of this Court dated 20.07.2021 to crack down on noise pollution then prima facie it is apparent that the authorities concerned are acting in a lackadaisical and casual manner and no concerted efforts have been made to combat the menace.

In this view of the matter, it is expected that the state authorities and the respondents shall strictly crack down of such two wheelers and four Wheelers using modified silencers on their vehicles and the Court hopes to see a visible change in the noise pollution by the next date of listing failing which the Court may be compelled to summon the senior officials for having failed to adhere to the specific rules for checking noise pollution and having failed to crack down

on such errant owners despite the specific order of this Court.

By the next date of listing, the respondents may file a response to the suggestions given by the learned Amicus Curiae in his report filed vide Misc. Application No. 106862 of 2021.

Sri H.P.Srivastava, learned Additional Chief Standing counsel informs that the head of the traffic department for the State of U.P is the Director (Traffic) having the rank of Additional Director General of Police, as such let the Director/ Additional Director General of Police (Traffic) be also impleaded by the learned amicus curiae within a week as respondent no. 6.

Let the respondents no. 2 and 3 file their personal affidavit indicating the action that has been taken by the authorities concerned regarding the order dated 20.07.2021.

List this case again on 22.09.2021. As the case pertains to suo moto cognizance taken by the Court pertaining to noise pollution the matter does not pertain to adversarial litigation and is of public importance, as such the Registry is directed that whenever the case is listed it would be listed at the top of the board.

Order Date :- 14.9.2021

Pachhere/-