

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).2691 OF 2021
(Arising out of SLP(C) No(s). 24806/2019)

SACHIN KASHYAP & ORS.

Petitioner(s)

VERSUS

SUSHIL CHANDRA SRIVASTAVA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO(S).2701 of 2021 @ SLP(C) No. 28742/2019, CIVIL APPEAL NO(S). 2692 OF 2021 @ SLP (c) NO.10759/2021 @ Diary No(s). 37221/2019, CIVIL APPEAL NO(S).2693 OF 2021 @ SLP(C) No. 26320/2019, CIVIL APPEAL NO(S).2694 OF 2021 @ SLP(C) No. 28740/2019, CIVIL APPEAL NO(S).2695 OF 2021 @ SLP(C) No. 28741/2019, CIVIL APPEAL NO(S).2696 OF 2021 @ SLP(C) No. 28738/2019, CIVIL APPEAL NO(S).2697 OF 2021 @ SLP(C) No. 28739/2019, CIVIL APPEAL NO(S).2698 OF 2021 @ SLP(C) No. 28534/2019, CIVIL APPEAL NO(S).2699 OF 2021 @ SLP(C) No. 28745/2019, CIVIL APPEAL NO(S).2700 OF 2021 @ SLP(C) No. 29810/2019, CIVIL APPEAL NO(S).2702 OF 2021 @ SLP(C) No. 29809/2019, CIVIL APPEAL NO(S).2703 OF 2021 @ SLP(C) No. 28743/2019, CIVIL APPEAL NO(S).2704 OF 2021 @ SLP(C) No. 29811/2019, CIVIL APPEAL NO(S).2705 OF 2021 @ SLP(C) No. 2139/2020.

O R D E R

Permission to file Special Leave Petition(s) is granted.

Delay condoned.

Intervention/impleadment applications stand allowed.

Interlocutory Application No. 167927 of 2019 for deleting the proforma respondents No. 4 to 11 from the array of the parties stands allowed at the risk of the appellants.

Leave granted.

For the sake of convenience, we are taking up Civil Appeal No. 2691 of 2021 arising out of SLP(C) No.24806/2019 as lead matter and disposing of all the connected appeals by this common order.

This appeal is filed by non-parties in the Writ Petition who were, though directly affected, neither impleaded before the High Court as parties nor was there any prayer for issuance of such directions by which they are aggrieved.

Brief facts of this case are that respondents No. 1 and 2 had filed a Writ Petition before the High Court with the following prayers:-

"(i) to issue a writ, order or direction in the nature of mandamus commanding the respondent authority to remove L.C.D. from Hashimpur Chauraha, Prayagraj immediately.

(ii) to issue any other suitable writ, order or direction in the nature as this Hon'ble Court may deem fit and proper to meet the ends of justice under the facts and circumstances of the present case.

(iii) to award cost of writ petition to the petitioners."

While considering the said prayers, the High Court issued 9 directions in the penultimate paragraph of the judgment dated 20.08.2019.

The appellants are aggrieved by direction No. (iii) issued by the High Court, which is extracted below:-

"(iii) Under the Rules, 2000, no permission for DJ shall be granted by the authority for the reason that noise generated by DJ is unpleasant and obnoxious level. Even if they are operated at the minimum level of the sound it is beyond

permissible limits under the Schedule of the Rules, 2000. A DJ is made up of several amplifiers and joint sound emitted by them is more than thousand dB (A). They are serious threat to human health particularly children, senior citizens and patients admitted in the hospitals."

The submission of the learned counsel for the appellants is that in the entire Writ Petition there were neither any pleadings with regard to the noise generated by the DJ being unpleasant and of obnoxious level nor there was any such prayer made in the Writ Petition. The relief granted by the High Court with regard to the removal of L.C.D. from the particular area in question, which was a separate issue, and appellants have no grievance regarding the same. The appellants are only aggrieved by the direction no.(iii) issued in relation to a matter which was not an issue before the High Court.

The contention of the learned counsel for the appellants is that they have a right to play music in public places only after obtaining license from the District Authority under the relevant *Noise Pollution (Regulation and Control) Rules, 2000*. It is contended that by imposing such restriction as contained in the aforesaid direction no.(iii) issued by the High Court, the livelihood of the appellants is affected and hit by Article 19(1) (g) of the Constitution of India.

Per contra, learned counsel for the private respondents No. 1 and 2 (Writ Petitioners before the High Court) has submitted that though there was no such prayer with regard to the playing of music (DJ) in public place, and the Writ Petition was limited only

to playing of L.C.D. in the particular area, yet such directions could have been issued under Article 226 of the Constitution of India by expanding the scope of the Writ Petition.

Ms. Garima Prasad, learned Additional Advocate General appearing for the State of Uttar Pradesh and Ms. Harshita Raghuvanshi, learned counsel appearing for the Allahabad Development Authority have submitted that they are duty bound to comply with the directions issued by the High Court, and in compliance of the aforesaid direction no.(iii), the State Government as well as the Allahabad Development Authority are not permitting the parties to play DJ, except in those cases where the stay order has been granted by this Court and the parties have obtained necessary permission.

Having heard learned counsel for the parties and considering the facts of this case, we are of the clear opinion that since there were neither pleadings nor any prayer with regard to the playing of music or DJ in public place, the direction no.(iii) of the High Court, as quoted herein above with regard to the noise generated by DJ and restriction on playing music, cannot be justified in law. The Writ Petition having been filed for a particular cause and with a particular prayer cannot be expanded to cover within its ambit all the issues which may be of general or public importance without there being any pleadings or prayer with regard to a particular issue. In our view, no such directions could have been issued, especially in a private litigation which was not in the nature of Public Interest Litigation. We say so, particularly, because prior to passing any such order of public

importance, the affected parties should be impleaded, at least in a representative capacity, which is not done in the present case. The appellants herein are the affected parties who were neither impleaded nor given any opportunity to present their case.

As such, while quashing the direction no.(iii) in the impugned judgment of the High Court, as quoted herein above, we make it clear that the appellants or any other such persons may be permitted to play the music/DJ only in accordance with law and after obtaining the requisite license/permission from the concerned authorities. Ordered accordingly.

With the aforesaid observations, the appeal stands allowed to the extent indicated above.

In view of the order passed in Civil Appeal No. 2691 of 2021 arising out of SLP(C) No.24806/2019, the other connected appeals stand allowed, accordingly.

.....J.
[VINEET SARAN

.....J.
[DINESH MAHESHWARI]

NEW DELHI;
JULY 15, 2021.

ITEM NO.4 Court 11 (Video Conferencing) SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 24806/2019

(Arising out of impugned final judgment and order dated 20-08-2019 in WC No. 1216/2019 passed by the High Court Of Judicature At Allahabad)

SACHIN KASHYAP & ORS. Petitioner(s)

VERSUS

SUSHIL CHANDRA SRIVASTAVA & ORS. Respondent(s)

IA No. 166358/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 152274/2019 - EXEMPTION FROM FILING O.T.
IA No. 189118/2019 - INTERVENTION APPLICATION
IA No. 166360/2019 - INTERVENTION/IMPLEADMENT
IA No. 152273/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH
SLP(C) No. 28742/2019 (XI)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 173767/2019

FOR EXEMPTION FROM FILING O.T. ON IA 173769/2019

FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES ON IA 189139/2019

IA No. 189139/2019 - CONDONATION OF DELAY IN FILING THE SPARE COPIES

IA No. 173767/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 173769/2019 - EXEMPTION FROM FILING O.T.)

Diary No(s). 37221/2019 (XI)

FOR CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS ON IA 177534/2019

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 177535/2019

FOR EXEMPTION FROM FILING O.T. ON IA 177536/2019

FOR CONDONATION OF DELAY IN FILING ON IA 189433/2019

IA No. 189433/2019 - CONDONATION OF DELAY IN FILING

IA No. 177534/2019 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS

IA No. 177535/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 177536/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 26320/2019 (XI)

IA No. 163837/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 163838/2019 - EXEMPTION FROM FILING O.T.

IA No. 163836/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 28740/2019 (XI)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 167925/2019

FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 167927/2019

FOR EXEMPTION FROM FILING O.T. ON IA 167928/2019

FOR impleading party ON IA 167931/2019

FOR INTERVENTION/IMPLEADMENT ON IA 167931/2019

IA No. 167927/2019 - ADDITION / DELETION / MODIFICATION PARTIES

IA No. 167925/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 167928/2019 - EXEMPTION FROM FILING O.T.

IA No. 167931/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 28741/2019 (XI)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 167860/2019

FOR EXEMPTION FROM FILING O.T. ON IA 167861/2019

FOR impleading party ON IA 167862/2019

FOR INTERVENTION/IMPLEADMENT ON IA 167862/2019

IA No. 167860/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 167861/2019 - EXEMPTION FROM FILING O.T.

IA No. 167862/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 28738/2019 (XI)

(FOR ADMISSION and I.R. and IA No.170098/2019-ADDITION / DELETION / MODIFICATION PARTIES and IA No.170097/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.170099/2019-EXEMPTION FROM FILING O.T. and IA No.170100/2019-INTERVENTION/IMPLEADMENT and IA No.170096/2019-PERMISSION TO FILE PETITION (SLP/TP/WP/..)

IA No. 170098/2019 - ADDITION / DELETION / MODIFICATION PARTIES

IA No. 170097/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 170099/2019 - EXEMPTION FROM FILING O.T.

IA No. 170100/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 28739/2019 (XI)

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 166455/2019

FOR EXEMPTION FROM FILING O.T. ON IA 166456/2019

IA No. 166455/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 166456/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 28534/2019 (XI)

FOR EXEMPTION FROM FILING O.T. ON IA 176186/2019
IA No. 176186/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 28745/2019 (XI)

FOR EXEMPTION FROM FILING O.T. ON IA 181542/2019
FOR impleading party ON IA 181544/2019
FOR INTERVENTION/IMPLEADMENT ON IA 1Arvind Varma, Sr. Adv.
Parul Shukla, Adv.
Ajitesh Soni, Adv.
EC Agra81544/2019
IA No. 181542/2019 - EXEMPTION FROM FILING O.T.
IA No. 181544/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 29810/2019 (XI)

FOR EXEMPTION FROM FILING O.T. ON IA 185626/2019
IA No. 185626/2019 - EXEMPTION FROM FILING O.T.

SLP(C) No. 29809/2019 (XI)

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
179610/2019
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
179611/2019
FOR EXEMPTION FROM FILING O.T. ON IA 179612/2019
IA No. 179611/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 179612/2019 - EXEMPTION FROM FILING O.T.
IA No. 179610/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 28743/2019 (XI)

FOR EXEMPTION FROM FILING O.T. ON IA 179678/2019
IA No. 179678/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 29811/2019 (XI)

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA
187626/2019
FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
187628/2019
IA No. 187628/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 187626/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 2139/2020 (XI)

(IA No.1079/2020-CONDONATION OF DELAY IN FILING and IA No.1080/2020-EXEMPTION FROM FILING O.T. and IA No.1078/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 15-07-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Parties:

Mr. S.R. Singh, Sr. Adv.
Mr. Ankur Yadav, AOR
Mr. Prateek Yadav, Adv.
Mr. Krishna Kumar Yadav, Adv.

Mr. Pramod Kumar, Adv.
Mr. Jabar Singh, Adv.
Mr. Arvind Yadav, Adv.
Dr. Amardeep Gaur, Adv.
M/S. V. Maheshwari & Co., AOR

Mr. Shiv Sagar Tiwari, AOR

Mr. Ramjee Pandey, AOR
Mr. Raghvendra Shukla, Adv.

Mr. Dhananjaya Kumar Tyagi, Adv.
Mr. Satbir Singh Pillania, Adv.
Mr. Sandiv Kalia, Adv.
Ms. Reena Rao, Adv.
Dr. Sushil Balwada, AOR

Mr. Himanshu Tyagi, AOR

Mr. Amit Wadhwa, Adv.
Mr. Shailesh Singh, Adv.
Mr. Pramod Tiwari, Adv.
Ms. Priyanka Dubey, Adv.
Dr. Vinod Kumar Tewari, AOR

Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Vivek Sarin, Adv.
Mr. Satish C. Kaushik, Adv.
Mr. Aakarshan Aditya, AOR

Mr. Dushyant Parashar, AOR
Mr. Dinesh Pandey, Adv.
Mr. Manu Parashar, Adv.

Mr. Amrendra Kumar Singh, Adv.
Mr. Anand Mishra, AOR

Ms. Harshita Raghuvanshi, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR

Ms. Garima Prasad, Sr. AAG
Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.

Mr. Satish Pandey, AOR
Mr. Abdul Qadir, Adv.
Mr. Gulfeshan Javed, Adv.
Mr. Gulshan Jahan, Adv.
Ninanda Nair, Adv.

Mr. Arvind Varma, Sr. Adv.
Mr. Parul Shukla, Adv.
Mr. Ajitesh Soni, Adv.
Mr. E. C. Agrawala, AOR

Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Ms. Parul Shukla, Adv.
Mr. Ajitesh Soni, Adv.
Mr. E. C. Agrawala, AOR

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

Permission to file Special Leave Petition(s) is granted.

Delay condoned.

Intervention/impleadment applications stand allowed.

Interlocutory Application No. 167927 of 2019 for deleting the proforma respondents No. 4 to 11 from the array of the parties stands allowed at the risk of the appellants.

Leave granted.

The Civil Appeals are allowed in terms of the signed reportable order.

Pending application(s), if any, stands disposed of accordingly.

(ARJUN BISHT)
(COURT MASTER (SH))

(PRADEEP KUMAR)
(BRANCH OFFICER)

(ASHWANI THAKUR)
AR-CUM-PS

(Signed reportable order is placed on the file)