

Court No. - 1

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

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.

In pursuance of the order dated 14.9.2021, the personal affidavits of Additional Chief Secretary (Home), Government of U.P. and Director General of Police, U.P. have been filed.

We have gone through the said affidavits. The said affidavits are a mere eyewash because the authorities have not indicated the concrete steps taken by them pursuant to the cognizance taken by the Court and have not responded to the suggestions given by the *Amicus Curiae* in his report filed alongwith Civil Misc. Application No. 106862 of 2021.

Mr. Ashok Kumar Verma, learned counsel for opposite party No.4 has drawn our attention towards the Government Order dated 11.1.2018, a copy of which has been filed as Annexure 7 to the affidavit filed on behalf of the Chairman, U.P. Pollution Control Board wherein it has been mentioned that a committee is to be constituted in terms of Rule 2(c) of The Noise Pollution (Regulation and Control) Rules, 2000. From a perusal of the affidavit filed on behalf of the opposite party No.4, it is not clear as to

whether the committee has been constituted or the committee functions or what action has been taken by the committee for the purpose of controlling the noise pollution.

Mr. Gaurav Mehrotra, learned Amicus Curiae submits that noise pollution is being caused through modified silencers, hooters and pressure horns and nothing concrete has been done in this regard to control the same by the concerned authorities whereby indicating a lackadaisical and casual approach.

This Court is prima facie of the view that all the officials who have been impleaded in the present P.I.L for controlling noise pollution and to crack down on such vehicles causing noise pollution through modified silencer, hooters and pressure horns have miserably failed in their duty and no concrete action has been taken in this regard and thus should be summoned in person.

However, Mr. H.P. Srivastava, learned Additional Chief Standing Counsel with his usual fairness submits that he would immediately apprise the authorities to act with alacrity and promptness and they be not summoned personally.

Considering the request of Mr. H.P. Srivastava, let the personal affidavits be filed by the Additional Chief Secretary (Home), Additional Chief Secretary (Transport) and the Director General of Police indicating the action that has been taken in the matter regarding cracking down on vehicles. In case no concrete action is taken, the Court would be compelled to summon the Officer(s) to appear in person before this Court for not having

complied the specific directions issued by this Court. The respondents would also look into the suggestions given by the *Amicus Curie* and give their response.

List this case on 29.9.2021 at the top of the board.

[Abdul Moin, J.] [Ritu Raj Awasthi, J.]

Order Date :- 22.9.2021

Arjun/-