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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.191 OF 2023

Akhil Bharatiya Grahak Panchayat,
Grahak Bhavan, 634, Sadashiv Peth,
Pune 411 030

through their Sanghatak

Contact No.94225 02315

Email ID: vijaysagar1963@gmail.com

... Petitioner

V/s.

- 1. The State of Maharashtra,**
Through their Chief Secretary
Mantralaya, Nariman Point,
Mumbai – 400 032
(Through Government Pleader
Office – Bombay High Court)
- 2. Department of Law and Justice,
State of Maharashtra**
Through Secretary, Mantralaya,
Nariman Point, Mumbai 400 032
(Through Government Pleader
Office – Bombay High Court)
- 3. Department of Environment and
Climate Change,
State of Maharashtra,**
Through their Director,
Mantralaya, Nariman Point,
Mumbai – 400 032
(Through Government Pleader
Office – Bombay High Court)
- 4. Maharashtra Pollution Control
Board, Through their Member
Secretary, Kalpataru Point,**

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signed by
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GANESH
KULKARNI
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3rd and 4th Floor, Opp. PVR Cinema
Sion Circle, Mumbai – 400 022
(Through Government Pleader
Office – Bombay High Court)

**5. Central Pollution Control Board
Union of India**

Through their Member Secretary
Parivesh Bhavan, East Arjun Nagar,
Delhi 110 032.
(Through Union of India Pleader -
Aayakar Bhavan, Mumbai)

**6. Police Department – the State
of Maharashtra,**

Through their Director General
of Police,
Maharashtra Police Head Quarters,
Shahid Bhagatsingh Marg, Colaba,
Mumbai -Maharashtra 400 001
(Through Government Pleader/
PP Office – Bombay High Court)

... Respondents

Mr. Sattyendra Muley for the petitioner (through V.C.)

Mr. P.P. Kakade, Government Pleader with Mr. O.A.
Chandurkar, Additional G.P., Mrs. G.R. Raghuwanshi,
Additional G.P., and Mr. Ashutosh Mishra for
respondent Nos.1 to 3 and 6 – State.

Mr. Abhinandan B. Vagyani with Mr. C.M. Lokesh for
respondent No.5.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

RESERVED ON : AUGUST 16, 2024

PRONOUNCED ON : AUGUST 20, 2024

JUDGMENT: (Per Amit Borkar, J.)

1. This Petition is filed under Article 226 of the Constitution of India, wherein the petitioner, claiming to be a social service organization, seeks relief by requesting the Court to summon records and an action taken report pursuant to the judgment of this Court in *Dr. Mahesh Vijay Bedekar v. The State of Maharashtra & Ors.*, reported in 2016 SCC OnLine Bom 8894. The petitioner further prays for enforcement of the Noise Pollution (Regulation and Control) Rules, 2000, and the relevant provisions of the Environment (Protection) Act, 1986. Additionally, the petitioner seeks a total ban on the sale, lease, import, and use of loudspeakers and sound systems that emit noise levels exceeding the permissible limits specified in the Noise Pollution Rules, 2000. The petitioner also requests a directive for the submission of a report regarding the use of hazardous light laser beams during various processions and ceremonies and seeks a complete ban on the sale and use of such hazardous laser beams in public places until the State formulates appropriate regulations.
2. The petitioner claims to be a social service organization reputed for its tireless efforts in addressing issues concerning

consumer rights, public awareness of laws, equitable water supply, and the protection and overall improvement of civic amenities across the country. The petitioner asserts that, based on a report published by the College of Engineering, Pune, and its analysis, the noise pollution levels in Pune reached hazardous levels during the Ganesh Festival in 2023. The prescribed norms for residential areas are 55 decibels during the day and 45 decibels at night. However, during the 2023 Ganesh Festival, the average noise pollution level from 4:00 a.m. until midnight was approximately 101.3 decibels in the residential areas of Pune City.

3. Relying on the judgment in *Dr. Mahesh Vijay Bedekar*, the petitioner contends that despite specific directions issued by this Court, they have not been implemented in their true letter and spirit. Furthermore, the petitioner argues that a new trend involving the use of light laser beams, which are dangerous to human eyes, has emerged during the recent Ganesh Festival. It is alleged that several individuals have permanently lost their eyesight due to exposure to such light laser beams. Additionally, commercial establishments in the Pune District continue to use sound systems that emit dangerously high levels of noise, infringing on the residents'

right to sleep in nearby residential zones. The petitioner asserts that the authorities responsible for enforcement have failed in their duty to curb violations of noise pollution in the State of Maharashtra. Consequently, the petitioner seeks relief in the form of a report and data concerning noise pollution complaints over the past two years and the action taken on such complaints.

4. Mr. Kakade, the learned Government Pleader, upon instructions, made a categorical statement that the directions issued by this Court in paragraph 102 of the judgment in *Dr. Mahesh Vijay Bedekar* have been duly complied with in both letter and spirit. This statement is recorded by the Court.

5. Moreover, the reliefs sought in prayers (a) to (c) appear to be in the nature of a roving inquiry without the independent presentation of factual material. The petitioner is required to independently establish a prima facie case and cannot seek an order from this Court to summon records and an action taken report in the context of the judgment in *Dr. Mahesh Vijay Bedekar*. Seeking data on all complaints of noise pollution over the past two years and a report on the action taken on such complaints would also constitute a

speculative inquiry. The petitioner cannot seek a writ of mandamus to initiate an unfocused and speculative inquiry into whether there has been violation of the directions issued by this Court without presenting prima facie evidence of such violation as mentioned in paragraph 102 of the said judgment.

6. The legal position in this regard is well settled, whereby this Court, under Article 226 of the Constitution of India, should refrain from embarking upon a speculative inquiry. The Supreme Court, in *A. Hamsaveni & Ors. v. State of Tamil Nadu*, reported in (1994) 6 SCC 51, emphasized that a petition can only succeed if the petitioner independently establishes a case and proceedings before Court cannot be used as a vehicle for a roving inquiry to substantiate a claim. Similarly, in the case of *N.K. Singh v. Union of India*, reported in (1994) 6 SCC 98, it was held that a speculative inquiry is neither warranted nor justified within the scope of judicial review concerning the private rights of an individual. Reference may also be made to *Ratan Chandra Sammanta v. Union of India*, reported in 1993 Supp (4) SCC 415, where it was reiterated that a writ is issued in favor of a person who has an established right and not for the purpose of initiating a speculative inquiry, which could potentially lead to

infringement of rights. It was further held that where no concrete steps have been taken to enforce a claim and no substantive material has been presented before the Court, it would be hazardous to entertain a plea that seeks to compel the respondents to produce their records.

7. However, considering the nature of the issue raised by the petitioner and the directions issued by this Court in *Dr. Mahesh Vijay Bedekar*, it is clarified that paragraph 102 of the judgment in *Dr. Mahesh Vijay Bedekar* shall be complied with by all concerned parties mentioned in the said judgment in its letter and spirit. In the event of willful disobedience of the directions issued by this Court in paragraph 102, it shall be open for all aggrieved parties to approach the appropriate Court through appropriate legal proceedings as permitted by law.

8. The next issue raised by the petitioner pertains to the use of light laser beams in public places. According to the petitioner, there is currently no law in force specifically regulating the use of such light laser beams. In absence of any specific legislation or regulation governing the light laser beams, the petitioner is at liberty to submit a detailed

representation to the appropriate Statutory/Administrative authorities and/or the State Government, requesting immediate measures to regulate the use of light laser beams in public spaces, public gatherings, and events. Furthermore, it shall be open for the petitioner to bring to the notice of the Police Authorities the applicability of Section 125 or any other relevant provision of the Bhartiya Nyaya Sanhita, 2023, if the facts justify filing of such a complaint.

9. Accordingly, while keeping the remedies available to all concerned parties to ventilate their rights arising from the non-implementation of the directions issued in paragraph 102 of the judgment in *Dr. Mahesh Vijay Bedekar* open for ventilation of grievances in the appropriate Court through appropriate legal proceedings, and subject to the petitioner's right to make representations regarding the regulation of light laser beams before the appropriate authority, this public interest litigation petition is disposed of.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)