

डब्ल्यू-२ सचिवालय

विषय:

1127 / 2016 / दो / सी-1

डब्ल्यूपी० क्र० 362 / 2016 श्री निलय वर्मा विरुद्ध  
म०प्र० शासन एवं अन्य।

Hum Hum  
C-1

—00—

पंजी०क्र० 1127 / 16, दि. 25.02.2016

डिप्टी राजिस्ट्रार हाईकोर्ट बेंच जबलपुर बैन्च इंदौर से प्राप्त  
पत्र क्र. 3950 / 16, दि. 13.04.2016

P136/C

—000—

कृपया विचाराधीन पत्र का सहपत्रो सहित अवलोकन  
करें।

2- डिप्टी राजिस्ट्रार जबलपुर बैन्च इंदौर से प्राप्त याचिका  
क्रमांक डब्ल्यूपी० 362 / 2016 श्री निलय वर्मा विरुद्ध म०प्र०  
शासन अन्य के विरुद्ध याचिका दायर की गई है। याचिका में  
लाउड स्पीकर के संबंध में याचिका दायर की गई है।

3- प्रकरण में प्रभारी अधिकारी नियुक्ति किया जाना  
प्रस्तावित है। अतः प्रकरण में किस अधिकारी को प्रभारी  
अधिकारी नियुक्त किया जाना उचित होगा।

~~कृपया विचाराधीन पत्र का सहपत्रो सहित अवलोकन~~

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2-3-16

29/02/16

अ.अ.

अ.स.  
उप सचिव-एक

29/2/16

29/2/16

कृपया विचाराधीन पत्र का सहपत्रो सहित अवलोकन  
करें।

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2-3-16  
29/2/16

29/2/16

BNS419

श्री लक्ष्मी

11/03/16  
11/03/16

विषय:

1127/2016/दो/सी-1

डब्ल्यू0पी0 क0 362/2016 श्री निलय वर्मा विरुध  
म0प्र0 शासन एवं अन्य।

का विभाग

---00---

श्री प्रहलद से।

श्री प्रहलद पर उप सचिव महोदय के  
लेखित चिप में लिखे गये निर्देशानुसार पुलिस  
अधीक्षक इंस्पेक्टर के.के. मे. का कार्य है अतः  
पुलिस अधीक्षक इंस्पेक्टर को प्रमाण में प्रभावी अधिकार  
प्राप्त होने वाला अधिकारी का रूप अनुमोदनार्थ  
प्रस्तुत।

11/03/16

उप सचिव

इंदौर में 11 पुलिस अधीक्षक 11/3/16  
द. पूर्व व पश्चिम 3 नम  
मैन के सेम में है

11/03/16

म.प्र. शा. 11/03/16  
16-3-16

11/03/16

11/03/16

उत्तराखण्डपालन में 01 न. 11/03/16 के  
PA (Pahwa) के जानकारी प्राप्त की गई, जिसके अनुसार  
पलायन धानी सेम 11 पुलिस अधीक्षक (ई.ई.) के कार्य में  
है अतः संशोधित आदेश का प्रत्येक अनुमोदनार्थक प्रस्तुत  
है।

11/03/16

11/03/16

उप सचिव

11/03/16

11/03/16

11/03/16

11/03/16

11/03/16

11/03/16

छब्बीस २ सचिवालय

**विषयः**

डब्ल्यू०पी० क० ३६२/२०१६ श्री निलय वर्मा विरुद्ध  
म०प्र० शासन एवं अन्य ।

का विभाग Mon. H.M.  
C-5

— — — 00 — — —

मान्य प्रभु

गत पूरव पर ०८ ओदेश का प्रारम्भ अनुमोदन

उपरोक्त आदेशों की वल्लभ जतियां हस्ताक्षरार्थ

44

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301

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~~7/13/24~~

17.3.16

24/3/26

8239

शायक नं. 1322, 23, 24

दिनांक.....18/3/66.....

प्रकरण मे ०१८ अध्याय जारी क्रिये जायेगा।

P 39-40 C

21. अतः प्रकरण में प्रतिरक्षण जोड़ना प्राप्त करें

है। नरसी बिद्य और विद्यार्थी कृषि विभाग के

अंतिम करना चाहेंगे।

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उप सचिव

मध्य प्रदेश शासन

Melissa J. Ghera

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Ch. 111  
11/16

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नया नया  
उन्नीस सचिवालय

विषय:

1127/2016/दो/सी-1

डब्ल्यूपी0 क0 362/2016 श्री निलय वर्मा विरुध  
म0प्र0 शासन एवं अन्य :

का विभाग

—00—

रव हटनो

BY REGD. A.D. P.O.

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IN THE High Court of Judicature at Jabalpur: Bench at Indore

Process Id: 3950/2016

WP/362/2016

From

Deputy Registrar,  
High Court of Judicature  
at Indore

To,

State of M.P. Through Secretary,  
Home Department,  
Vallabh Bhawan, Bhopal,  
District- Bhopal (MADHYA PRADESH),

Against Admission  
Fixed for 13-04-2016  
WP-DA-4  
Respondent No. 1

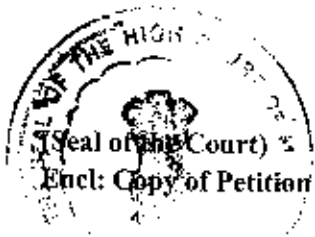
Indore 23-01-2016

Sub: Notice to Respondent No. 1 in writ Petition(Mandamus/Prohibition/ Certiorari/Quo Warranto) No. WP/ 362/ 2016

Sir/Madam,

I am directed to inform you that one Nilay has filed a petition under Article 226 of the Constitution of India (Copy enclosed) in this Court, and the same is registered as Writ Petition (Mandamus/ Prohibition/ Certiorari/ Quo Warranto) No. WP/362/2016

Take notice that you are required to submit a return personally or through a duly engaged Advocate on or before 13-04-2016. If no return is filed as aforesaid, the petition will be heard and decided exparte.



Your's faithfully

DEPUTY REGISTRAR



(2)

**IN THE HIGH COURT OF MADHYA PRADESH**

**BENCH AT INDORE**

Writ Petition No. 362 / 2016

Petitioner : Nilay Verma

Vs.

Respondent : State Of M.P. & Others.

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Indore,

Submitted by

Dated: 09.01.2016

⑦

**IN THE HIGH COURT OF MADHYA PRADESH**  
**BENCH AT INDORE**

Writ Petition No. .... / 2016

Petitioner : Nilay Verma  
Vs.

Respondent : State Of M.P. & Others.

**Chronology of events**

Sr. No.	Event	Date
1.	Program of "Bhagwat" and loudspeakers Started organized by Respondent No. 6 For seven days	01.01.2016
2.	Petitioner First Time Complained About The loudspeakers on "Citizen Cop", Police Helpline and "Crime Watch Whatsapp".	03.01.2016
3.	Petitioner Again complained on Police Helpline Crime Watch "Whatsapp", Citizen Cop and Police, Control room.	04.01.2016
4.	Petitioner Captured video of loudspeakers being played and shared with Crime Watch whatsapp	04.01.2016
5.	A policeman visited the source of Loudspeakers	05.01.2016
6.	Visit of police had no effect on Respondent No. 6 and loudspeakers still play on.	05.01.2016
7.	Petitioner Captured video of loudspeakers being played and shared with Crime	05.01.2016



Watch whatsapp.

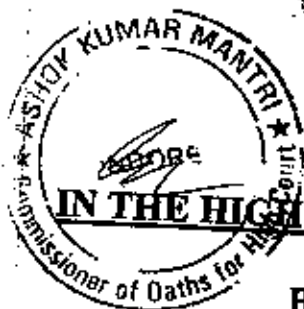
8. Petitioner came to know on calling Police 06.01.2016  
Control room that Respondent No.6 told  
the police that he have permission to play  
loudspeakers but Respondent No. 6 has  
never shown any permission to anybody.
9. Petitioner made call to Respondent No. 4 06.01.2016  
informing her about the loudspeakers and  
requesting for a remedy from her.
10. Petitioner Captured video of loudspeakers 07.01.2016  
Being played.
11. No action taken by Respondent No. 4 and 07.01.2016  
Police department, loudspeakers continued  
to play for seven days without any decrease  
of volume or break in its schedule.

Indore,

Submitted by

Dated:- 08.01.2016

COUNSEL FOR PETITIONER



Serial No. 825  
Date 8-1-15

**IN THE HIGH COURT OF MADHYA PRADESH**

**BENCH AT INDORE**

Writ Petition No. .... / 2016

Petitioner : Nilay Verma

Vs.

Respondent : State Of M.P. & Others.

**Affidavit in Support of Petition**

01. That, my name is Nilay Verma S/o Prakash Verma Aged around 30 Years, Occupation: Advocacy R/o of P/1, Wing A, Nipaniya, Indore(M.P.)
02. That, Today I am filing an petition under article 21 r/w 226 of constitution of india for violation of my right to privacy with other rights all the contentst given in the various paras of the petition are true to best of my knowledge and belief nothing false is stated therein and nor anything is concealed.

Place Indore

Date 08-01-2015

Deponent

**Verification**

I, Nilay Verma, do hereby verify that the contents from paras 1 & 2 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing is concealed therein.

Place Indore

Deponent

Date 08-01-2015 Affirmed at Indore

Handwritten notes on the left margin:  
1. Nilay Verma S/o Prakash Verma  
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(6)

**IN THE HIGH COURT OF MADHYA PRADESH**

**BENCH AT INDORE**

Writ Petition No. .... / 2016

**Petitioner**

: Nilay s/o Mr. Prakash Verma, Age -31  
Years, Occupation- Legal Practitioner  
Address- 114/4, North Moosakhedi,  
Indore(M.P.)

Vs.

**Respondent**

: 1. State of Madhya Pradesh Through  
Secretary, Home Department, Vallabh  
Bhavan, Bhopal(M.P.)

2. District Collector  
Collector Office, Indore(M.P.)

3. Superintendent of Police  
Superintendent office, Indore(M.P.)

4. Superintendent of Police,  
East Wing, CSP office Palasiya ,  
Indore(M.P.)

5. Police Station In charge,  
Police Station, Lasudiya, Indore(M.P.)

6. Thakur Jaswant Singh Rathore

*Nilay*

(Writ Petition under Article 21 R/w Article 226 of the  
Constitution of India)

1. Particulars of the cause/order against which the petition is made:

(1) Date of Order / Notification /  
Circular / Policy / Decision etc : N. A.

(2) Passed in (Case or File Number) : N. A.

(3) Passed by (Name and designation  
of the Court, Authority, Tribunal etc.) : N. A.

(4) Subject-matter in brief:

By the way of this petition the petitioner is not challenging any particular action but challenging the inaction and wrongful inaction on the part of the respondents other than respondent no. 6 who are just supporting the respondent no. 6 and so many persons by the way of omission of the duties provided by the constitution of the India as well as law of the state and resulting into violation of the fundamental rights i.e. right to privacy of the petitioner ample times under article 21 guaranteed by the constitution of India of peaceful residence in the boundary of the state.

Moreover the petitioner is aggrieved by the general working method of the respondent police officials of the state who never take any action of the people who infringes and violates the article 21 of the constitution of India. Petitioner is a resident of Nipania, Indore and does his clerk work as well as the same

6. Tyfo Madder

Address and as a current issue Namely One *Bhagwat Katha*, started at Nipania village about half kilometer far from petitioner's home since 01-01-2016 organized by Respondent No. 5 for tenure of 7 days i.e. till 07-01-2016. In the said program the biggest available loud speakers were used at it's peak volume, resulted in numerous amount of noise pollution took place in the whole area under the radius of about 1 to 2 kilometer. The said noise pollution was resulted in the petitioner being disturbed a lot and losing his efficiency of doing desk works, which later resulted in his official works being prolonged and loss of credit amongst his client and financial losses as well comes under the violation of article 21 of the petitioner guaranteed by the constitution of India.

This petition is filed by the petitioners challenging -

- a. The inaction of concerned Police Officials for not performing their just duty in a very regular basis.
- b. The personal and degrading statements being passed by the Police Officials.
- c. Specifically expressing themselves unable to perform simple task because a political person i.e. "Parshad" is involved in the matter.

As these actions are preventing the petitioners from -

- a. Violation of Article 21 of Constitution of India i.e. right to privacy and right of peaceful residence in the limits of the state
- b. Achieving scheduled tasks in time.
- c. Loss of efficiency for doing his work.
- d. Private rights infringed in his own property.

*[Signature]*

9

e. Harassment caused daily 5-6 hours for seven days.

2. A declaration that no matter pending: Petitioners declare that no matter relating to the subject matter of this petition has been previously instituted or is pending in any Court, authority or tribunal at the instance of the petitioners.

3. Details of remedies exhausted:

Petitioner have complained and intimated various times at Police helpline, Police Control room, Citizen Cop App, Crime watch Whatsapp number, there isn't any action taken till 05-01-2016. On 05-01-2016 a Police official from P.S. Lasudiya, visited the source of noise, met with the organizers and left with doing not much and later when petitioner asked him, he told the petitioner that "भागवत का काम था तो मैंने भी ज्यादा कुछ नहीं बोला बाकी आप बोलो तो एक चक्कर और लगा लूँगा थोड़ी देर में अभी तो महालक्ष्मी नगर निकल आया हूँ कुछ काम आ गया था".

On giving more efforts petitioner was entertained by likewise replies only even from the Police Control room, where he was told that "किसी पार्षद का प्रोग्राम है तो इसमें हम क्या बोल सकते हैं".

4. Delay, if any, in filing the petition:

Petitioners declare that there is no delay in filing of this petition.

5. Facts of the case:

5.1 That, petitioner is citizen of india and hold all rights of being citizen as guaranteed by the constitution of india. He is resident of Aashirwad Villas, Nipania, Indore and is an advocate and does his desk work as well at the

writ jurisdiction of the this Hon'ble court. Petitioner is now suffering with excessive use of loudspeakers at his residence.

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(8) 10

various occasions and specially with the approach of the respondent concerned police officials who don't give a damn with the law of the state and directions of any court mostly works at control room. The basic current issue took place when One *Bhagwat Katha*, started at Nipania village about half kilometer far from petitioner's home since 01-01-2016. The said program of Bhagwat Katha was organized by Respondent No. 6 and its tenure was of 7 days i.e. till 07-01-2016. A still photograph of the flex of the said program is submitted herewith and marked as Annexure P/1.

5.2 That, In the said program, the biggest loud speakers were used by the respondent no. 6 at it's peak volume, resulted into violation of article 21 for peaceful residence as guaranteed by constitution of India. By which numerous amount of noise pollution and nuisance took place in the whole area under the radius of about 1 to 2 kilometer for seven days regularly from morning to night. Petitioner was unable to measure the scale of volume of the loudness of sounds emerging from the speakers hence petitioner captured some videos from his home, in these videos the loudness of the speakers can be easily assessed. The set of videos is submitted herewith in a DVD and marked as Annexure P/2.

5.3 That, after trying to bear for two days i.e. 01-01-2016 & 02-01-2016, on 03.01.2016 at 09:00PM Petitioner called Police helpline Number "100" first time by his personal cell phone Number "9827043092" and intimated the Police official about the loudspeakers. Petitioner was made assured for the prompt action against those loudspeakers but no action whatsoever have taken on that day.

*Call log*

5.4 That, on 03.01.2016 at 09:18PM, Petitioner intimated about the incident on the Police Department's Mobile phone Application "Citizen Cop" provided by the government for the purpose of complaining wrongs in the area Vide complaint No. MPINDB2016JANB5F85E. According to the status of the said complaint was later referred to the Respondent No. 4. The complaint is submitted herewith and marked as Annexure P/3.

5.5 That, on 03.01.2016 at 10:22PM, Petitioner intimated on Whatsapp number of "Crime watch" advertised by the respondent no. 1 for quickest reliefs against wrongs recently introduced by Indore Police Department about the incident, on sending a message about the incident on "Crime watch", Petitioner was asked about the location of the loudspeakers, which was explained by the petitioner promptly, but no action was taken and the loudspeakers were played till 11:30PM in the night time.

5.6 That, on 04.01.2016 at 10:22AM, Petitioner again intimated on "Crime Watch" Whatsapp number about the loudspeakers and also captured and sent Videos Via whatsapp. The basic content of the Video is that the location of speakers which is easily 500 meters away from the location of camera and the loudness of sound emerging by those loudspeakers, which was easily overlapping sounds of nearby vehicles, horns, wind etc. and can be heard easily and loudly in the video [Annexure P/2]. The Whatsapp thread of "Crime Watch" is submitted hwerewith and marked as Annexure P/4.

5.7 That, after realizing that no action is being taken by the Police Department, on 04.01.2016 at 10:22AM, Petitioner intimated on Police Helpline No. 100 and intimated about the loudspeakers so he was given the number of Police Control Room, Indore i.e.

*Handwritten signature/initials*



"07312522500" to be intimated about it on. Petitioner did so and he was again made assured by the Police Control Room that an action will be taken in reasonable time. No action ever be taken though.

5.8 That, on 05-01-2016, a police official called the Petitioner by cell phone number "9425348286", claimed himself from P.S. Lasudiya, and asked about the location of the source of noise, petitioner explained him so and he said that he will be there in 5 minutes and will look after the issue. After about 15 minutes, when there was no change in the volume of loudspeakers, Petitioner called on the same number, he explained that "भागवत का काम था तो मैंने भी ज्यादा कुछ नहीं बोला बाकी आप बोलो तो एक घंकर और लगा लूंगा थोड़ी देर में अभी तो महालक्ष्मी नगर निकल आया हूँ कुछ काम आ गया था."

5.9 That, on same day Petitioner again called various times on the Number of Police control room and the police official who was attending the calls got personal and passed irresponsible statements like "धरम का काम है इसमें क्या दिक्कत है आपको" than later he stated, "दस मिनिट म स्थाकर न उठवा दू तो नाम बदल देना", he never told his name though. After this, he stated "किसी पार्षद का प्रोग्राम है तो इसमें हम क्या कर सकते हैं". He also stated that the persons who are playing the loudspeakers are said to have permission to play it. On being asked by the Petitioner that the one who has told you about the permission, whether been showed any such permission or not, on such question, he was answerless. Petitioner further requested to take a copy of any such permission and Petitioner will collect the said permission. But again, not a single action was ever taken regarding anything and loudspeakers continued to play on. Recording of the calls are submitted in Annexure P/5.

Annexure P/5

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5.10 That, on 06-01-16 at 15:51 PM Petitioner made a call to Respondent No.4 on her cell phone No. "7049100415" and explained to her that he has seek for the relief at all lower stages and after that only bothering her to take an initiative. She also committed to the Petitioner that he will be conveying the Petitioner's complaint to the S.P. [Respondent No. 3]. After waiting for more than an hour and Petitioner witnessed that no action has till be taken yet, he again tried to make a call to Respondent No. 4 for reminding her about the loudspeakers, but she did not picked the call. Recording of the Call is submitted herewith and marked as Annexure P/6.

5.11 That, after trying all of the remedies available which were ought to be sorted out a matter like this, the matter which is not very grave in nature but Petitioner did not witnessed even a single action by the Police Department. Petitioner has been presented an image of the Department where he is bound to admit that the officials in Police department are always under the influence of politicians, the police officials have a large number of employees who confuse righteousness, legality and common sense with religion and if any illegal act is taking place before them in the name of religion, they usually shall think that it is justifiable. Petitioner also observed that when told about loudspeakers, he was first been asked about the content of the loudspeakers and when Petitioner relied that it is "भगवत का प्रवचन" - than he was questioned that "तो फिर इसमें आपको क्या प्रॉब्लम है". The Police officials sitting on the telephone lines of Police helpline "100" and Police Control Room, where a layman never usually calls but only he calls when he is left with no other option. It is a situation where an authority like police only can help him nonetheless, and these set of people are attending such calls

are too senseless to even try to understand the problem and pass personal remarks irresponsibly, forgetting that which Department they are representing before public.

Hence Petitioner was left with no other option other than to file this petition.

**6. Grounds urged :**

6.1 That, the omission of the respondents is contrary to the various judgments of this Hon'ble Court as well as Supreme Court and just contrary to the basic soul of the constitution of India. No one have a right to violate any person right to privacy but respondent No.6 intended to play loudspeakers for seven long days and organized the function in the middle of a residential area where a large number of population lives, and Delhi public school and One Government School is also situated where thousands of students study he has not only violated the right to privacy and right for peaceful residence of petition but violated rights of so many persons.

It is also necessary to point out that the police officials not below the rank of head constable is quite capable and have powers to seize the loud speakers under the provisions of Kolahal Niyamtran Adhiniyam, 1985 but they are not doing their duties accordingly.

6.2 That, the impugned wrongs of the state officials is required to be interfered by this Hon'ble Court in the light of the order passed in W.P. No. 4792/2005 "Rajendra kumar verma Vs. State of M.P. & Others"

Para. 14 of the same order

*"The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipments as are found to be creating noise beyond the permissible limits."*

*"Loudspeakers and amplifiers or other equipment or gadgets which produce offending noise once detected as violating the law, should be liable to be seized and confiscated by making provision in the law in that behalf."*

6.3 That, The Hon'ble Supreme Court also stated in Application No. 34/2011 "Supreme Court Housing Society & Another VS. All India Gram Panchayat & Others That:-

*"The effect of noise on health is a matter which has not yet received full attention which it deserves. Pollution being wrongful contamination of the environment which causes material injury to right of an individual, noise can well be regarded as a pollutant because it contaminates environment, with high decibel noise intensity, causes nuisance and affects the health of a person and would therefore offend Article 21 of the Constitution if it exceeds a reasonable limit.*

*According to Encyclopaedia America:-"Noise by definition is unwanted sound. What is pleasant to some ears may be extremely unpleasant to other, depending on a number of psychological factors. The sweetest music, if it disturbs a person who is trying to concentrate or to sleep, is noise to him, just as the sound of a pneumatic riveting hammer is noise to nearly everyone. In other words, any sound may be noise if circumstances cause it to be disturbing". The pollution as evil, thus brings the society to understand that mankind is part of nature. Richard Maybe, in his "Handbook on Pollution" observes that the main cause of pollution probably lies in the fact of world we have chosen to build for ourselves, and in our thoughtless worship of progress at*

any cost. This amply illustrates that pollution is plain progress crisis".

7. It is well known fact that various environmental laws have failed to afford sufficient remedial measures for the individual sufferers, and the criminal liability created thereunder is mostly generalised and is of little to the person or persons who become victims of any pollutant, that apart there is no independent Act on noise pollution."

"Noise pollution and the menace arising therefrom is not confined to the Housing Society of the Applicants but is a general problem. It has crossed the danger point and is threatening the entire society. Immediate measures therefore are to be taken in this regard. Therefore, it will be the responsibility of the area SDM's and Local Police to see that sound pollution Rule is directly adhered in the letter and spirit. In the event any officer or authority are found to ignore or not pay any heed to the violation, the said action should be viewed as serious violation of law and strict action should be taken against the Officer ignoring such illegal activities and he should be suitably dealt with and would be liable for disciplinary action."

*Handwritten signature*

6.4 That, the general tendencies of the these police officials is required to be barred; as they are reflecting something very gravely wrong and just established sole of law of the state as "Rule of Law" that no one is beyond the law but looking to the circumstances of the case it is purely visible that some politician is very well beyond the law and the fan club of God Almighty can do anything on the name of it; even violate the rights of the citizens of India and police officials will do nothing and showing nothing but impotency where petitioner intimated Respondent No. 4 & Respondent No. 5 that they should stop such illegal acts. Especially when they were supposed to

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be well aware of their duties of being capable for seizure and confiscation of the loudspeakers. They let it still being played at the time of filing this petition.

6.5 That, Petitioner was many times misguided and wrongly committed by the Police Officials about taking action against said loudspeakers and this kinds of methods and tendencies are required to be barred by passing a detailed order as well as directions for guarantying the rights of every citizen given in constitution of India.

6.6 That, Petitioner has suffered a grave harassment by the loud noises emerging from the loudspeakers which later resulted in Petitioner being unable to concentrate on his desk work, which is his source of earning. Petitioner also was unable to achieve tasks in scheduled time.

6.7 That, petitioner has seeked for the relief to each and every possible platform before filing this Petition.

6.8 That, given the facts Petitioner feels it is too necessary to remind the Police department it's just duties regarding loud speakers and also direct the Department the protocol for any such issue for future reference.

6.9 That, Respondent No. 3-5 has represented themselves as a very helpless and incapable body. Petitioner has lost his faith and trust in the Police department by their unjust gesture and Petitioner shall think twice before intimating about illegal act to them again in the future.

6.10 That, Respondent No. 1 has given the permission for playing loudspeakers up to 10 PM. It is clearly directed by The Hon'ble Supreme Court and it is

Tribunal that, no government official shall permit for loudspeakers or they have intentionally lied to the policemen about the so called permission.

6.11 That, after a visit of a policeman, respondent No. 6 continued playing the loudspeakers for four more days, without having any fear of Police department after committing an illegal act before thousands of people.

6.12 That, all the other grounds shall be raised at the time of hearing.

7. Relief Prayed for: Petitioners pray that this petition kindly be allowed with cost and this Honorable Court kindly be pleased to:

7.1 By issuing a writ of mandamus or any other appropriate write, order, or direction, direct the Respondent No. 2-5 to take the complaints and intimation very seriously and take a prompt action on any report and intimation on violation of right to privacy by loudspeakers and not just avoid the intimations and let the situation as it is.

7.2 Respondent No. 3 may kindly be directed to appoint some knowledgeable and responsible personals for attending the calls on number 100 of Police helpline and Police Control room, whom least qualification shall be to be efficient enough to understand the sufferings of the callers.

*Handwritten signature/initials*

7.3 Direct respondent No. 6 to not to repeat any such act again in the future and he shall be made to compensate his intentional illegal act misusing his powers in any way that this Honorable Court may seem fit.

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7.4 Petitioner may kindly be provided Police protection as Respondent No. 6 is local politician in Nipania area and Petitioner has reasons to believe that after taking such initiative against him, he shall surty try to harm the Petitioner.

7.5 Any other relief, which this Honorable Court deems fit in the peculiar facts and circumstances of the case.


**8. Interim Relief:** Respondents other then respondent no. 6 kindly be directed to seize the loudspeaker and instruments if getting played at the place of such program and provide protection to the petitioner from respondent no. 6 and his henchmen.

**9. Documents relied on but not in possession of the petitioner:**  
Nil

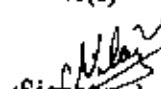
**10. Caveat:** That no notice of lodging a caveat by the respondents has been received by the petitioners.

Place: INDORE.....

Date: .....  
11/11

  
(Signature)

Counsel for Petitioner(s)

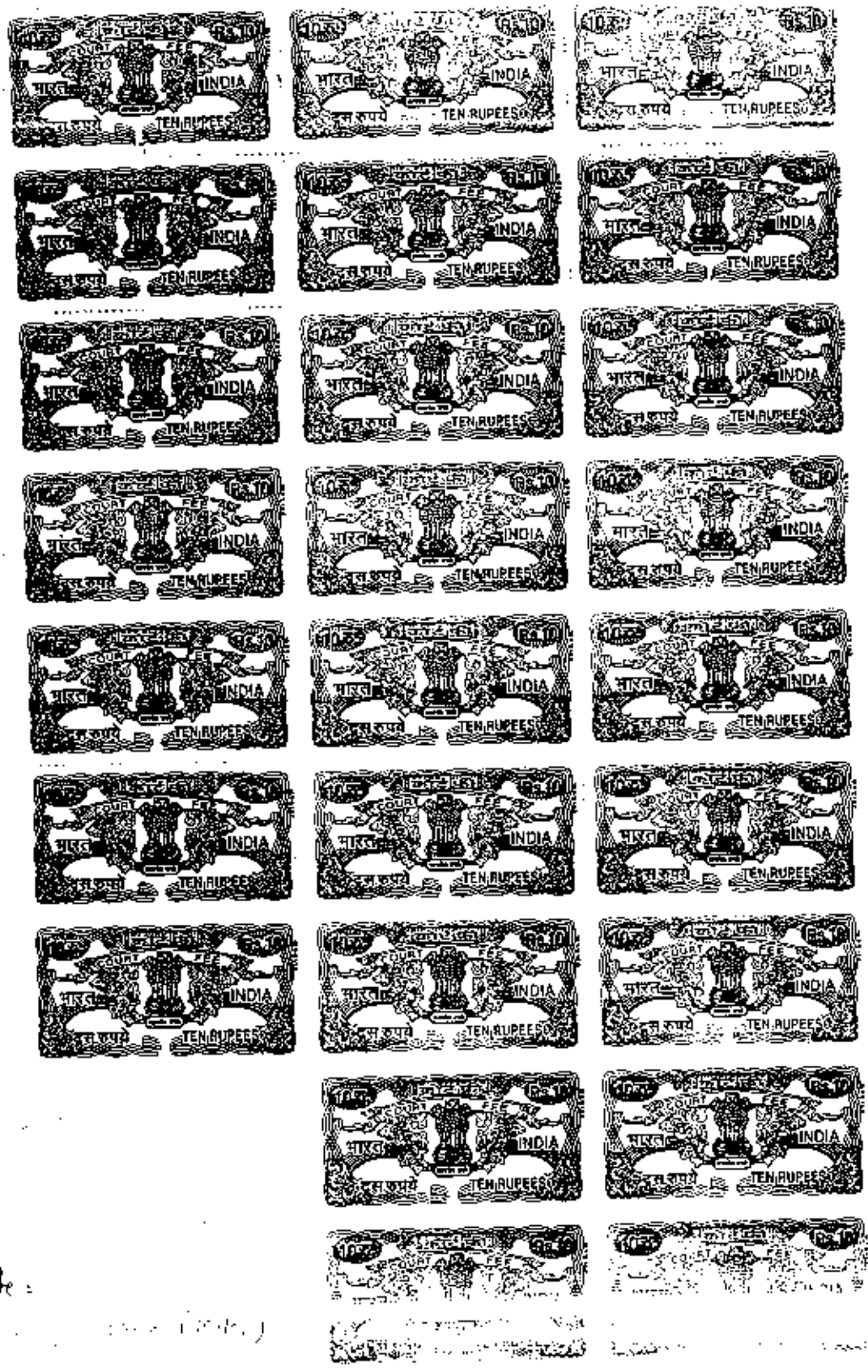
  
(Signature)

Plaintiff



17A

Prayer Honble High Court of m.p. J. S. Verma  
Nilay Verma  
State of m.p. 10/10/1971

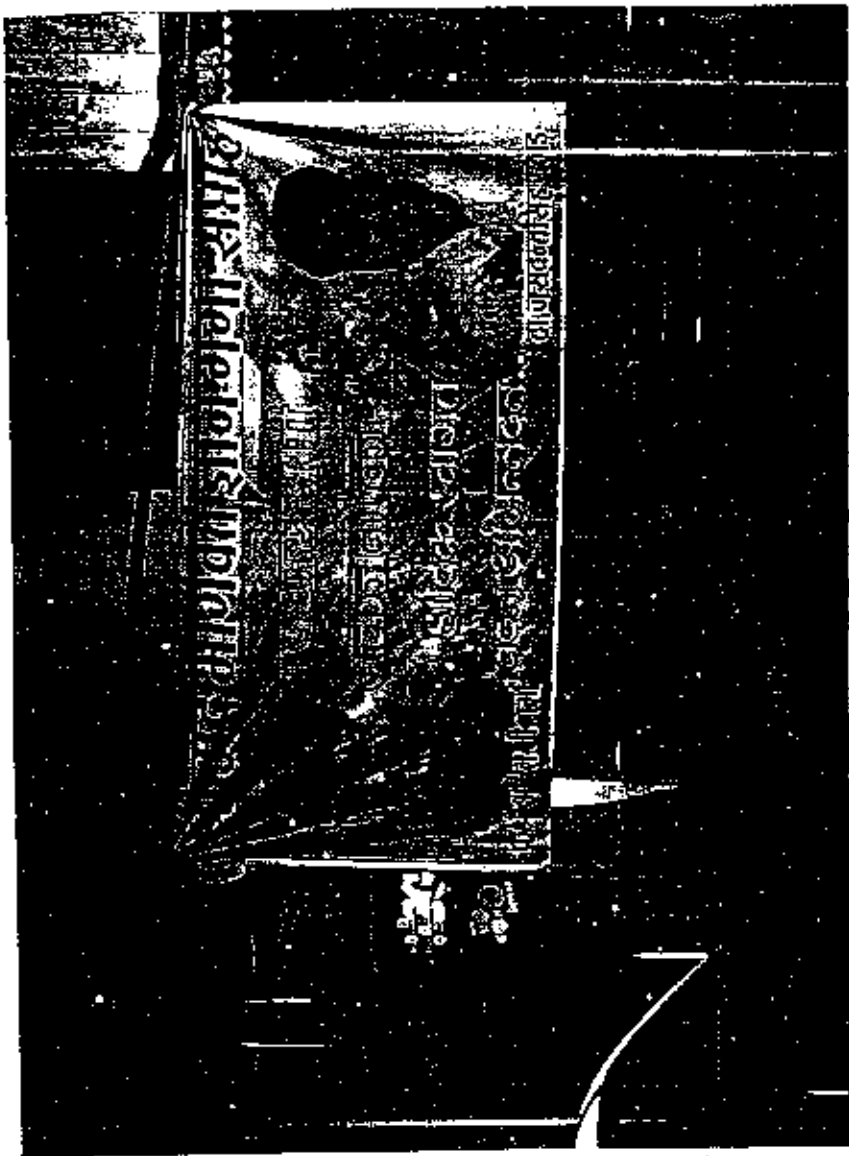


Date:

10/10/1971

21

ANNEX 1

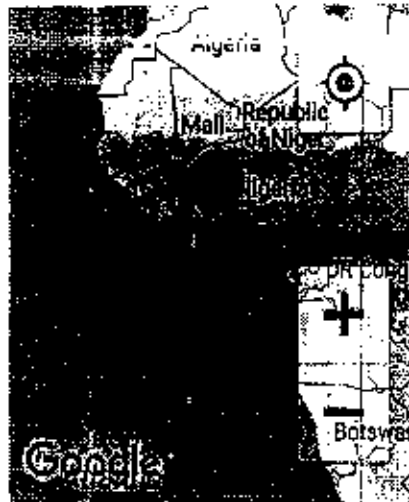




Complaint No:  
MPINDB2016JANB5F85  
E

Date  
01/03/2016

Time :  
21:18:16 pm



Status

Delete

Send Feedback

Your Feedback

### Description

too much noise pollution emerging from unreasonably loud loudspeakers, in the name of bhajans, at Nipania village, p.s. lasudiya jurisdiction. already intimated on 100, 20 mins back but no action taken yet. kindly do the needful.



33

P12

21



90%

10:38 AM

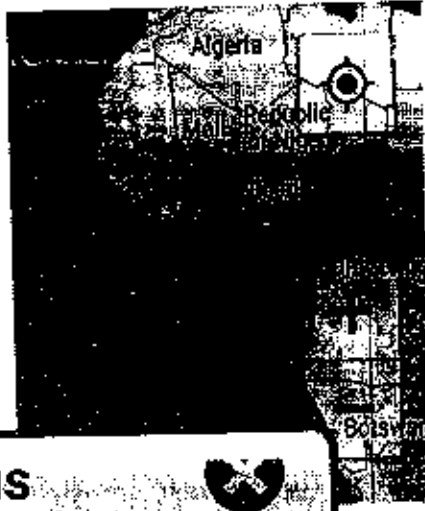
Back

CITIZEN COP



**Complaint No:**  
MPINDB2016JANB5F85  
E

**Date**  
01/03/2016  
**Time :**  
21:18:16 pm



**Status**

Date/Time: 01/04/2016 6:59 PM

Comment: Complaint forwarded

to 8F East

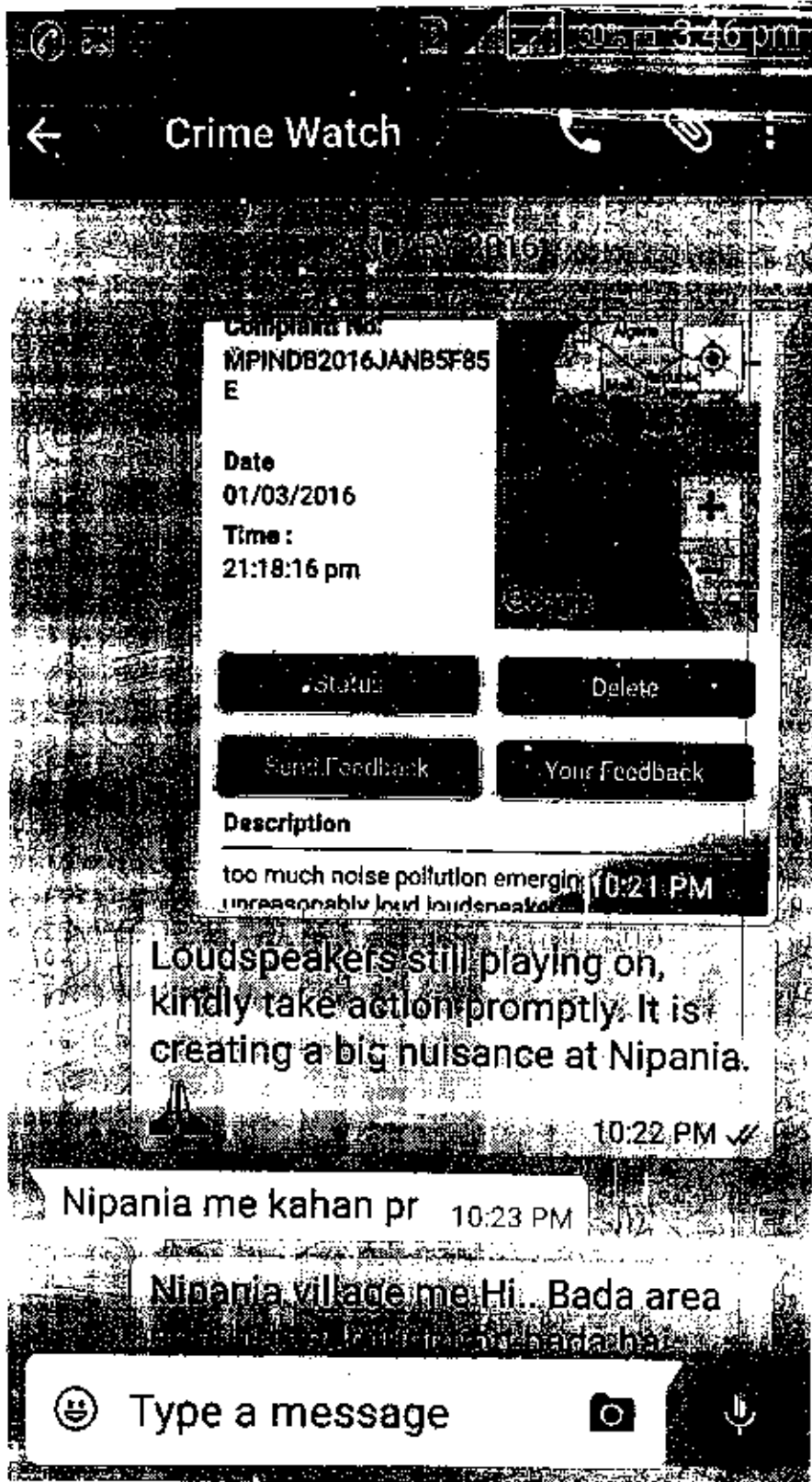
S

K

**Description**

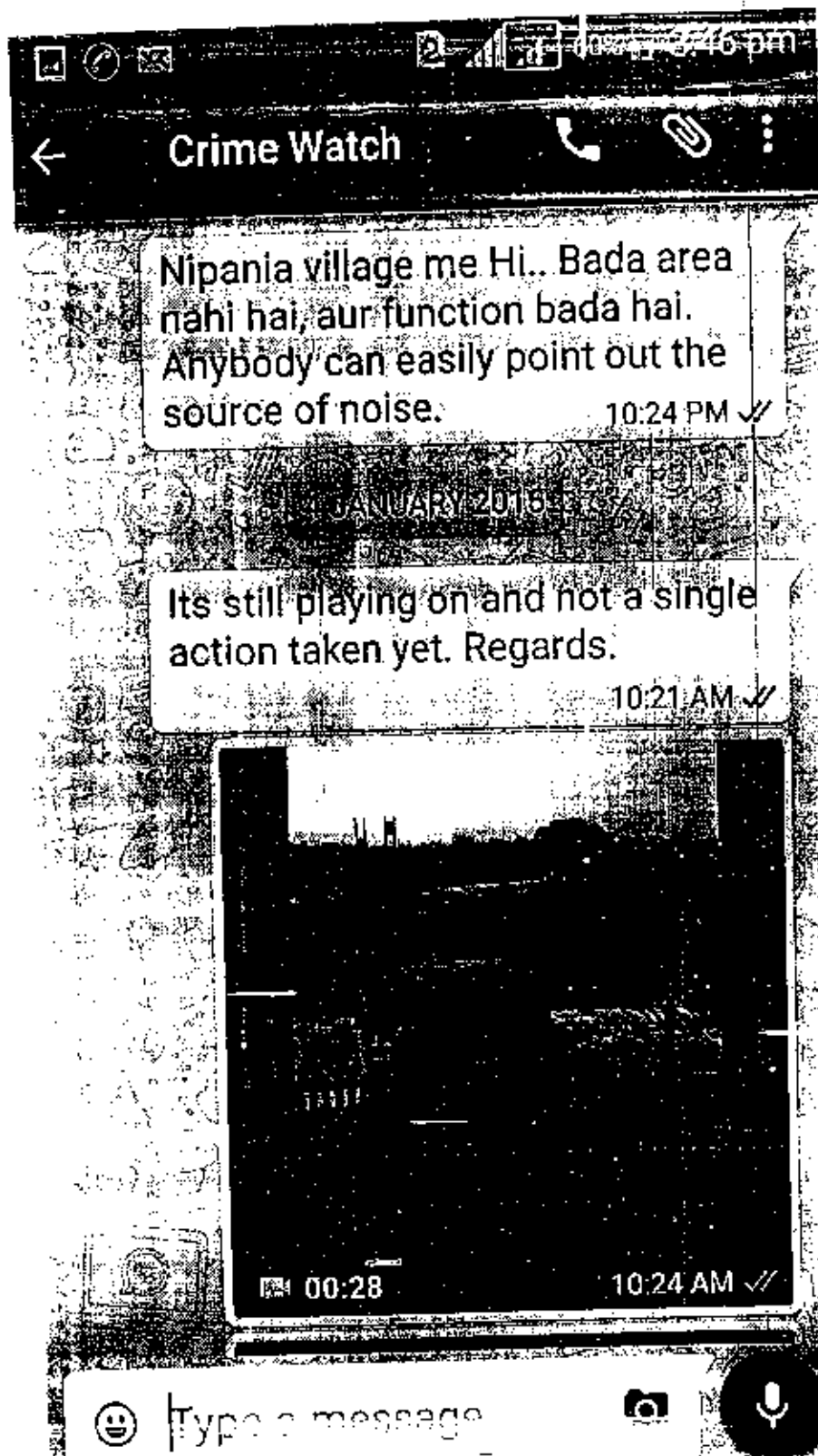
too much noise pollution emerging from unreasonably loud loudspeakers, in the name of bhajans, at Nipania village, p.s. lasudiya jurisdiction. already intimated on 100, 20 mins back but no action taken yet. kindly do the needful.





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Save Screenshot  
Crime Watch



Loudspeakers are located about 500 meters away, while capturing this video. Perhaps it might help you in assessing that how loud they are, as the sound emerging from them are easily captures in my cell phone overlapping sounds of vehicles, wind, horns etc...

10:28 AM

Loudspeakers are located about

Type a message



27

Saving screenshot

20

Crime Watch

10:28 AM ✓✓

Loudspeakers are located about 500 meters away, while capturing this video. Perhaps it might help you in assessing that how loud they are, as the sound emerging from them are easily captured\* in my cell phone overlapping sounds of vehicles, wind, horns etc...

10:28 AM ✓✓

5 JANUARY 2016

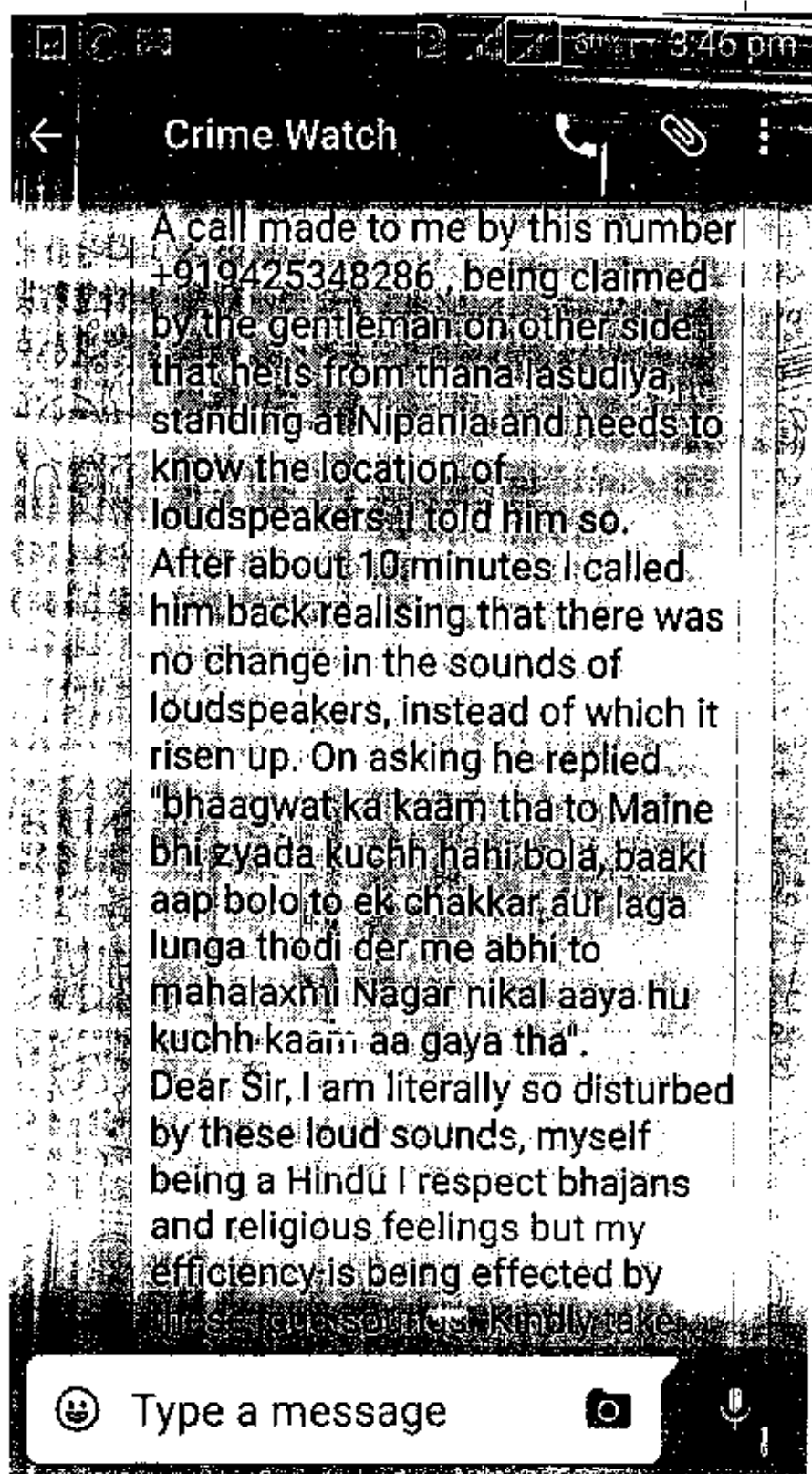
Its still playing on, not a single action taken yet by the police department, after passing of 3 days. kindly let me know if I won't be entertained here, so I can seek relief elsewhere. Regards.

10:36 AM ✓✓

A call made to me by this number +919425348286, being claimed by the gentleman on other side

Type a message





A call made to me by this number +919425348286, being claimed by the gentleman on other side that he is from thana lasudiya, standing at Nipania and needs to know the location of loudspeakers. I told him so.

After about 10 minutes I called him back realising that there was no change in the sounds of loudspeakers, instead of which it risen up. On asking he replied

"bhaagwat ka kaam tha to Maine bhi zyada kuchh nahi bola, baaki aap bolo to ek chakkar aur laga lunga thodi der me abhi to mahalaxmi Nagar nikal aaya hu kuchh kaam aa gaya tha".

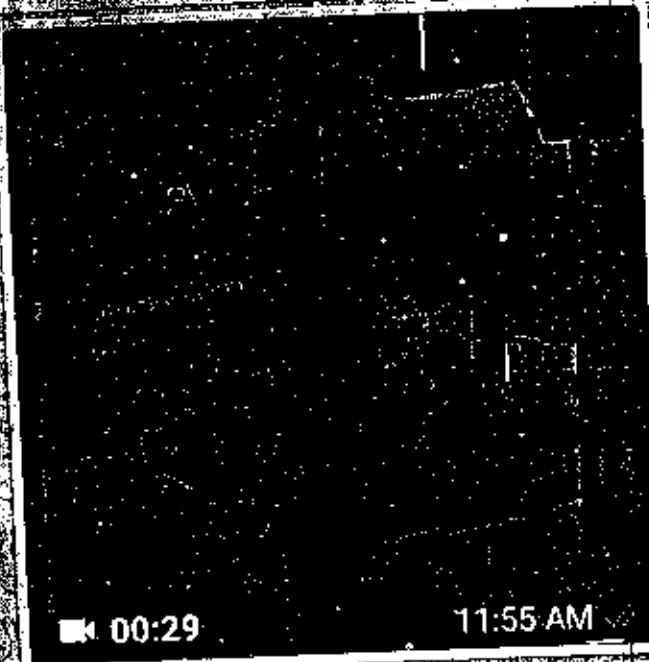
Dear Sir, I am literally so disturbed by these loud sounds, myself being a Hindu I respect bhajans and religious feelings but my efficiency is being effected by these loud sounds. Kindly take

Type a message

Crime Watch

these loud sounds. Kindly take  
some futile action and send some  
more responsible official to stop  
it.

11:54 AM ✓



00:29

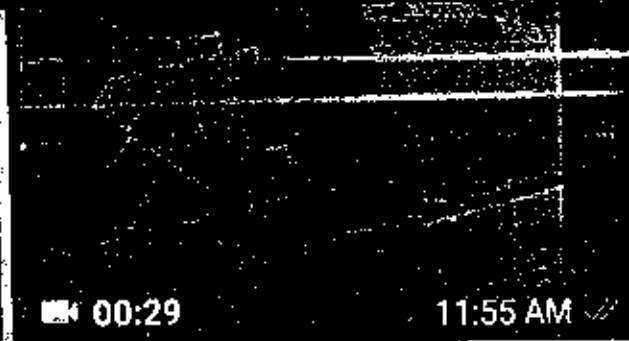
11:55 AM ✓

You can easily compare in the  
video that the volume is (willfully)  
increased after the visit of that  
policeman.

11:57 AM ✓

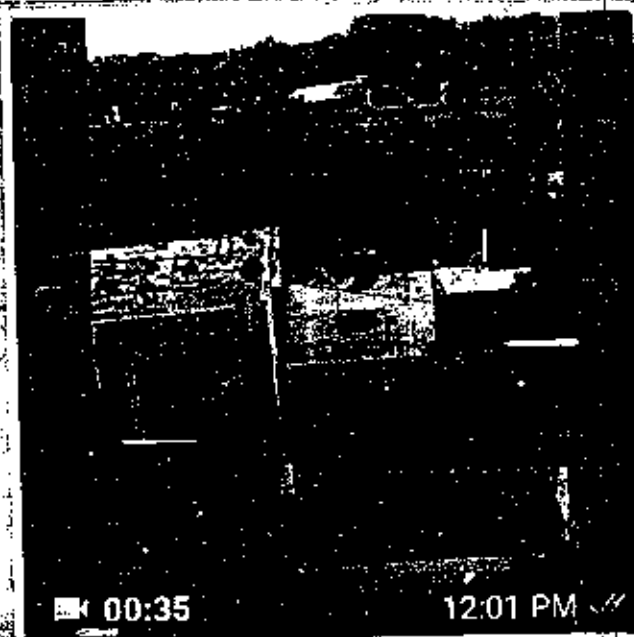


Type a message



You can easily compare in the video that the volume is (willfully) increased after the visit of that policeman.

11:57 AM ✓



😊 Type a message



Typed Copy of ANNEXURE 1/5

(2)

05.01.2016

01:42PM

Typed copy of the Call recording of the call made by Petitioner to Police control room

पुलिस कंट्रोल रूम - पुलिस कंट्रोल रूम से

Petitioner - हांजी, भैया निपानिया से बोल रहा हूँ मैं।

पुलिस कंट्रोल रूम - हूँ।

Petitioner - कतीब बाहर बजे मैंने फोन करा था, और लाउडस्पीकर के बारे में जानकारी दी थी मैंने

पुलिस कंट्रोल रूम - हाँ जी

Petitioner - आप ही से बात हुई थी मेरी ?

पुलिस कंट्रोल रूम - हूँ, बताएं।

Petitioner - वही भैया, बंद हुआ नहीं है अभी तक।

पुलिस कंट्रोल रूम - वो कोई भगवत कथा वगैरह का प्रोग्राम कर रहे थे तो तुम्हारे वही के, आपके वही के हैं कोई सांसद

वो, क्या बोलते वो, नगर निगम में क्या हैं पार्क हैं पार्क हैं, तो एक जवान गया था हमारा तो उन ने कहा की मे दाई तीन बजे तक करेगा सिर्फ और उन ने आवाज़ काम कर ली है ऐसा कह रहे थे वो।

Petitioner - नहीं भैया, आवाज़ उन ने काम नहीं करी है, आवाज़ और बढ़ा दी है उन्होंने।

पुलिस कंट्रोल रूम - ऐसा?

Petitioner - हाँ जी।

पुलिस कंट्रोल रूम - तो आपसे बात हुई थी क्या उनकी ?

Petitioner - किजकी?

पुलिस कंट्रोल रूम - उनसे ये वो जो आयोजन कर रहे हैं भगवत कथा का?

Petitioner - नहीं मेरे को नहीं पता कौन कर रहा है और मैं क्यों बात करूँगा उनसे।

पुलिस कंट्रोल रूम - अच्छा

Petitioner - हाँ तो क्या करें भाई सहब आपके हिसाब से ?

पुलिस कंट्रोल रूम- अब धार्मिक काम है, जैसा आप देखो, जैसा बताओ ।

Petitioner - नहीं धार्मिक काम ठीक है, नुइसेस हो रहा है अपने घर में करें ।

पुलिस कंट्रोल रूम- हाँ हाँ । अब ठीक है तो ये काम करा दें क्या करें जैसा बताओ आप ।

Petitioner - कायदे में तो मैंने आपको बता था की स्पीकर जव्त करने चाहिए, आपने बोला भी था की दस मिनट में आप कबव दोगे।

पुलिस कंट्रोल रूम- नई, उनके पास शायद वो परमिशन वगैरह बता रहे थे वो ।

Petitioner - परमिशन है उनके पास?

पुलिस कंट्रोल रूम- हाँ ऐसा बता रहे थे वो ।

Petitioner - अच्छा अच्छा, बीया एक मिनट, एक मिनट ये बात कीजियेगा ।

पुलिस कंट्रोल रूम- हम्म हम्म ।

Second male voice - सर एक बात बताएं आप मुझे जब इसी तरह जनुअरी में नेशनल ग्रीन ट्रिब्यूनल ने कहा की किसी को परमिशन नहीं मिलेगी तो परमिशन दो किसने उनको?

पुलिस कंट्रोल रूम- अच्छा अच्छा ऐसा भी है ?

Second male voice - नहीं आपकी जानकारी में न हो, मैं बता रहा हु आपको ।

पुलिस कंट्रोल रूम- जी जी जी जी ।

Second male voice - ये एम पी ट्रिब्यूनल का डिसीजन है की पूरे भारत में कहीं डी जे नहीं बजेंगे और कोई परमिशन दो ही नहीं आएगी, ये अपनी जगह है और कोलाहल नियंत्रण अधिनियम में दे के रखा है की कोई भी व्यक्ति अगर स्पीकर बजा रहा है, लाउडस्पीकर और किसी दुसरे के घर तक आवाज़ जा रही है तो स्पीकर जव्त किये जायेंगे, आपको कानून में बताऊंगा?

पुलिस कंट्रोल रूम- नहीं मुझे नहीं बताओगे, वो तो जो उन ने बताया वो मैं आपको बता रहा हु । हम तो अभी जव्त कर लेंगे, हमें क्या है, कानून तो हमें भी आता है ।

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21

Second male voice - सर वही तो करना है, अगर वो कह रहे हैं अनुमति है तो अनुमति उन से ले लो मैं आपसे अनुमति कलेक्ट कर लेता हु और क्लर हाई कोर्ट में पेश कर देता हु की अनुमति दी किसने, कमिशनर का अधिकार नहीं है अनुमति देने का ।

पुलिस कंट्रोल रूम- कहिये तो जस्ट करे, उसमे क्या है, मैं अभी बताये देता हु

Second male voice - और अनुमति है तो उनसे कहिये की कामज़ से के रख ले, मैं आ जाता हु, जिसके पास कामज़ है, मैं ले लूंगा

पुलिस कंट्रोल रूम- हो हो, ठीक है, मैं बता देता हु बंद करो साले को बंद करो ।

Second male voice - सवाल ही पैदा नहीं होता है।

पुलिस कंट्रोल रूम- हो ठीक है ठीक है ।

Second male voice - चलिए ।

06.01.2016

12:37 PM

Typed copy of Call recording of the call made by Petitioner to Police control room

पुलिस कंट्रोल रूम - हेलो

Petitioner - हेलो

पुलिस कंट्रोल रूम - हाँ बोलिए

Petitioner - शैया निपानिया से बोल रहा हूँ मैं।

पुलिस कंट्रोल रूम - हाँ

Petitioner - शैया चौधा दिन हो गया है आज लाउडस्पीकर के बारे में जानकारी दिए हुए वो आज तक बंद नहीं हुए हैं यार ।

पुलिस कंट्रोल रूम - नियमनिया

Petitioner - हॉ जी

पुलिस कंट्रोल रूम - हॉ, क्या, कार्यक्रम क्या चल रहा है वहां।

Petitioner - भगवत क्या का कार्यक्रम है।

पुलिस कंट्रोल रूम - हॉ तो भगवत गीता का कार्यक्रम है तो आप तो.... क्या प्रॉब्लम, उसमें क्या प्रॉब्लम आ रही है।

Petitioner - प्रॉब्लम कुछ नहीं आ रही है, मैं कुछ काम नहीं कर पा रहा हूँ अपने, लाउडस्पीकर बिल्कुल काम में बज रहे हैं मेरे।

पुलिस कंट्रोल रूम - क्या नहीं कर पा रहे हैं?

Petitioner - अपना काम नहीं कर पा रहा हूँ, है न, थोड़ा लिखा पढ़ी का काम है मेरा वो नहीं कर पा रहा हूँ।

पुलिस कंट्रोल रूम - अच्छा इतना तेज है?

Petitioner - हॉ जी।

पुलिस कंट्रोल रूम - चलो ठीक है, नियमनिया, है न हम बता देते हैं लाउडस्पीकर है न, आवाज कम कर ले।

Petitioner - जी जी जी।

Typed copy of the call recording of the call made by Petitioner to  
Respondent No. 4 on 06.01.2016 at 12:53PM

Petitioner - हेले

Respondent No. 4 - कौन बोल रहे हैं।

Petitioner - Sir myself Advocate Nilay Verma।

Respondent No. 4 - हाँ ?

Petitioner - सर, निलय वर्मा अधिकारता बोल रहा हूँ मैं, एस. पी. ईस्ट. से बात हो रही है मेरी ?

Respondent No. 4 - हाँ बोलिए

Petitioner - सर, चार दिन से मैं बहुत ज्यादा परेशान हूँ सर, इसीलिए डायरेक्ट आपको परेशान कर रहा हूँ, माफी चाहूंगा। हंड्रेड नंबर और कंट्रोल रूम पर बहुत बार मैंने इंटिमेशन दिया, सिटीजन कप और एक्स्ट्रासप्य क्राइम वाच पर भी दिया ....

Respondent No. 4 - समस्या बताइये।

Petitioner - सर, लाउडस्पीकर बज रहे हैं निपानिया में।

Respondent No. 4 - कहाँ ?

Petitioner - निपानिया में, लाउडस्पीकर बज रहे हैं सर निपानिया।

Respondent No. 4 - निपानिया कहाँ है ?

Petitioner - निपानिया सर धाना लसुडिया क्षेत्र में आता है, डेन्ट्री पब्लिक स्कूल जहाँ situated है।

Respondent No. 4 - धाना ?

Petitioner - लसुडिया .... धाना लसुडिया सर। मेरे हवाल से आप के ही jurisdiction में आता है।

Respondent No. 4 - हाँ।



Petitioner - सर, यहाँ निपनिया क्षेत्र में लाउडस्पीकर बज रहे हैं, आपको भी क्या पता है कि कितना दूर बज रहा है सर, अब आप अंदाज़ा लगा लीजिये की कितनी तेज़ बज रहा होगा। मे सर हाई कोर्ट में प्रैक्टिस करता हूँ मुझे बहुत ज्यादा परेशानी हो रही है सर ।

Respondent No. 4 - कौन बजा रहा है ।

Petitioner - ये पता नहीं सर, गाँव कहे कोई ये जो गाँव के localities हैं वो उनका कोई सा प्रोग्राम है। भगवत गीता का प्रोग्राम है, बिल्कुल उनकी भावनाओं उनकी फीलिंग्स की रेस्पेक्ट करता हूँ सर लेकिन उन्हें बजाना है तो अपने घर में बजा लें मे यहाँ उन्हें करीब एक किलोमीटर दूर रह रहा हूँ यहाँ मेरा जीना हाराम हो रहा है.....

Respondent No. 4 - आप कौन बोल रहे हो ?

Petitioner - मे सर निलय कर्मा अधिकता बोल रहा हूँ सर, मे यहाँ आशीर्वाद विकास निपनिया में रह.....

Respondent No. 4 - नहीं आपने उनको बोला क्या डायल हंड्रेड को ?

Petitioner - डायल हंड्रेड को सर मे चार दिन से बोल रहा हूँ, पुलिस कंट्रोल रूम भी ....

Respondent No. 4 - क्या बोलते हैं वो क्या कहना जा रहा है ?

Petitioner - उनका कहना यह जा रहा है सर की धरम का काम है हम कुछ नहीं कर सकते हैं लिटेरल्ली सर ये जवाब है, मे रिकॉर्ड भी आपको भेज सकता हु ।

Respondent No. 4 - मे बता रही हु । मे बता देती हूँ ।

Petitioner - प्लीज सर प्लीज, अच्छा मेम, सॉरी extremelly सॉरी मेम ।

Respondent No. 4 - मे बता रही हूँ ....



**मध्यप्रदेश शासन  
गृह (सी-अनुभाग) विभाग  
मंत्रालय  
वल्लभ-भवन, भोपाल  
:: आदेश ::**


भोपाल, दिनांक 18 मार्च 2016

क्रमांक/322/1127/2016/बो/सी-1 : राज्य शासन एतद्वारा प्रकरण में सिविल प्रक्रिया संहिता 1988 वर अधिनियम संख्यांक 5 के आदेश सत्ताईस के नियम 1 तथा 2 के अधीन प्रदत्त शक्तियों को प्रयोग में लाते हुए पुलिस अधीक्षक (पूर्व) जिला इंदौर को (पक्षधरों के नाम इन्स्यू. पी. क्र. 362/2016 मिलन वर्मा विरुद्ध म0प्र0 शासन एवं अन्य ) में मध्यप्रदेश राज्य के लिये तथा उसकी ओर से रिट अपील प्रस्तुत करने हेतु प्रभारी अधिकारी के रूप में अभिवाचनों पर हस्ताक्षर करने और उपसंज्ञात होने के लिये नियुक्त करते हैं। प्रभारी अधिकारी को यह आदेश दिया जाता है कि म.प्र. सिधि और विधायी कार्य विभाग नियमावली में वर्णित कर्तव्यों तथा उत्तरदायित्वों के अतिरिक्त यह अपनी नियुक्ति के तुरंत पश्चात् अन्य बातों के साथ ऐसी रीति में जिनमें ब्यौरे नीचे दिये गये हैं, निम्नलिखित कार्य करेगा :-

1. प्रभारी अधिकारी मामले के तथ्यों के बारे में तुरन्त ऐसी जांच करेंगे जैसे कि आवश्यक हो और याचिका में उठाये गये समस्त बिन्दुओं का पैरा अनुसार उत्तर देते हुए और ऐसी अतिरिक्त जानकारी देते हुए जिनमें कि मामले के संचालन में महाधिवक्ता/शासकीय अधिवक्ता की सहायता पहुंचाने की संभावना है रिपोर्ट तैयार करेगा, यदि किसी प्रकरण पर सिधि विभाग में से परामर्श किया जाता है तो उस विभाग की राय भी रिपोर्ट में विनिर्दिष्ट की जावेगी।
2. समस्त संसगत फाईले, दस्तावेज, नियम, अधिसूचना तथा आदेश एकत्रित करेगा।
3. वादपत्र/याचिका में उठाये गये समस्त बिन्दुओं का पैरा अनुसार उत्तर देते हुए और ऐसी अतिरिक्त जानकारी देते हुए जिनमें कि शासकीय अभिभाषक को सहायता पहुंचाने की संभावना है एक रिपोर्ट तैयार करेगा।
4. उक्त रिपोर्ट तथा सामग्री के साथ शासकीय अधिवक्ता से संपर्क करेगा।
5. शासकीय अधिवक्ता की सहायता से निम्नलिखित कथन/ उत्तर करवायेगा।
6. प्रभारी अधिकारी निम्नलिखित कगजात पत्र भेजेंगे :-  
 (क) वादपत्र की एक प्रति के साथ सरकार की रिपोर्ट।  
 (ख) प्रस्तावित लिखित कथन का एक प्रारूप।  
 (ग) प्रस्तावित दस्तावेजों की एक सूची जिन्हें साक्ष्य स्वरूप फाईल करना प्रस्तावित है/थी और जिनकी रिपोर्ट अपेक्षित की गई है/थी।
7. मामले को तैयार और संचालन करने में शासकीय अधिवक्ता व सहयोग करना और मामले उसके प्रक्रम और प्रगति में नियत किय गये कर्तव्यों से स्वयं को सदैव अवगत रखना।
8. जब कोई आदेश/ म0प्र0 राज्य के विरुद्ध पारित किया जाता है तब सिधि विभाग को सूचित करना तथा उसकी प्रमाणित प्रति प्राप्त करने के लिये उसी दिन या आगामी कार्य दिवस को आवेदन करना।

9. अपनी रिपोर्ट के साथ आदेश/निर्णय की प्रमाणित प्रति तथा शासकीय अधिकता की राय अगली कार्यवाही किये जाने के लिये इस विभाग को भेजेंगे।
10. यह देखना है कि आवेदन करने में तथा प्रमाणित प्रतिया प्राप्त करने में, रिपोर्ट बनाने में, राय प्राप्त करने और उसकी सूचना देने में समय नहीं हो।
11. जैसे ही उसे अपना स्थानान्तरण आदेश प्राप्त होता है तब शासकीय पत्र के माध्यम से तत्काल जानकारी देना व वर्तमान पद का भार सौंप देने के पश्चात् भी तब तक प्रभारी अधिकारी रहेगा, जब तक कि अन्य प्रभारी अधिकारी नियुक्त नहीं कर दिया जाता।
12. प्रभारी अधिकारी मामले तैयार करने में शासकीय अधिकता को हर संभव सहयोग देगा और इस बात के लिये उत्तरदायी होगा कि कोई महत्वपूर्ण तथ्य या दस्तावेज अप्रकटित/ छुपी हुई नहीं रह जाय।
13. प्रभारी अधिकारी या लोक अभियोजन अधिकारी मुकदर है वह जैसे ही वाद की विनिश्चय होता है। परिणाम की रिपोर्ट विभागाध्यक्ष के माध्यम से सरकार को भेजेगा। निर्णय की एक प्रति अभिप्राप्त की जावे और रिपोर्ट के साथ भेजी जाये।
14. प्रभारी अधिकारी या यदि लोक अभियोजन मुकदर है तो वह इस बात के लिये उत्तरदायी होगा कि वह इन मामलों में किन्हीं वाद के प्रक्रम में पारित किये गये किसी अंतरिम आदेश का पुनरीकित है, समय पर कार्यवाही की गई है, अतएव वह उन आदेशों की प्रति जैसे ही पारित किया जाय, विभागाध्यक्ष के माध्यम से अपनी अनुशंसा के साथ सरकार (प्रशासकीय विभाग) को आपेक्षित करें।

मध्यप्रदेश के राज्यपाल के नाम से  
तथा आदेशानुसार


  
(श्री दास)  
अवर सचिव

अ/स मध्यप्रदेश शासन, गृह विभाग

पु. क्रमांक /1323/1127/2016/दो/सी:  
प्रतिलिपि :-

भोपाल, दिनांक /8 मार्च 2016

1. सचिव, म.प्र.शासन, विधि और विधायी कार्य विभाग।
2. पुलिस महाबिदेष्टक, मध्यप्रदेश, भोपाल।
3. शासकीय अधिकता मओ, उच्च न्यायालय खण्डपीठ बैन्च इंदौर
4. जिला दण्डाधिकारी जिला इंदौर मध्यप्रदेश।
5. पुलिस अधीक्षक (पूर्व) जिला इंदौर (प्रभारी अधिकारी) की ओर अवेधित कर अनुरोध है कि प्रकरण से संबंधित अभिलेख के साथ शासकीय अधिकता से तत्काल संपर्क स्थापित करें। निर्देशानुसार अनुरोध है कि उक्त प्रकरण में गृह विभाग की ओर से भी प्रतिरक्षण की कार्यवाही करें। मान. उच्च न्यायालय खण्डपीठ बैन्च इंदौर में रिट अपील प्रस्तुत करें। कृत कार्यवाही से इस विभाग को अवगत कराने का कष्ट करें।

  
अवर सचिव

अ/स मध्यप्रदेश शासन, गृह विभाग