



IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

The Hon'ble Mr.Justice P.K.Balasubramanyan & [unclear]

The Hon'ble Mr.Justice C.N.Ramachandran Nair

Tuesday, the 23rd October, 2001/1st ^{Kaytika} ~~November~~, 1923

W.A.No.235 of 1993
O.P.No.9560 of 1988

APPELLANT:

Freekumara Varma Raja P., Cherukole Palace,
Kezhakkadavu P.O., Mavelikkara 690 104

By Adv.Sri.P.Vijayabhanu

RESPONDENTS:

1. State of Kerala
2. Home Secretary, Kerala State
3. District Collector, Trivandrum
4. District Collector, Quilon
5. District Collector, Pathanamthitta
6. District Collector, Alleppey
7. District Collector, Kottayam
8. District Collector, Idukki
9. District Collector, Ernakulam
10. District Collector, Thrissur
11. District Collector, Palghat
12. District Collector, Malappuram
13. District Collector, Calicut.
14. District Collector, Wayanad
15. District Collector, Cannanore
16. District Collector, Kasargod



: 2 :

17. Superintendent of Police, Trivandrum
18. Superintendent of Police, Quilon
19. Superintendent of Police, Pathanamthitta
20. Superintendent of Police, Alleppey
21. Superintendent of Police, Kottayam
22. Superintendent of Police, Idukki
23. Superintendent of Police, Ernakulam
24. Superintendent of Police, Trichur
25. Superintendent of Police, Palghat
26. Superintendent of Police, Malappuram
27. Superintendent of Police, Calicut
28. Superintendent of Police, Wayanad
29. Superintendent of Police, Cannanore
30. Superintendent of Police, Kasaragod

*Addl.R31: Kummanam Rajasekharan, General Convenor,
Hindu Aikya Vedi, Central Office, Kochi 17

*is impleaded as per the order dt.25-10-94 in CMP
2866/94 in W.A.No.235/93.

*Addl.R32. K.R.Henon, President,
Sound Service Association of Kerala,
Ernakulam District Committee,
48/1152, Ashoka Road, Elamakkara P.O.,
Kochi 682 026

*Addl.R33. K.P.Sushit Lal, General Secretary,
Sound Service Association of Kerala,
Ernakulam District Committee,
48/1152, Ashoka Road, Elamakkara P.O.,
Kochi 682 026

*Addl. respondents 32 and 33 are impleaded as per the
order dt.29/7/96 in CMP 569/95.

R1 to R30 By Govt.Pleader Sri.C.K.Abdul Rahim
Addl.R31 by Adv.Sri.T.A.Unnikrishnan
Addl.R32 & R33 by Adv.Sri.S.P.Aravindakshan
Pillai

This writ appeal having been finally heard on
23-10-2001, the court on the same day delivered the
following:



P.K.BALASUBRAMANYAN & C.N.RAMACHANDRAN NAIR, JJ.

W.A.No.235 of 1993

Dated this the 23rd October, 2001

JUDGMENT

Balasubramanyan, J.

Heard counsel on all sides.

2. The challenge in this writ appeal is to the directions issued by the learned single Judge in the matter of control of noise pollution and use of loud speakers to the extent an exemption was sought to be made regarding the call for prayers in mosques. We find that it is not necessary to decide the matters in controversy in view of the bringing into force of the Noise Pollution (Regulation and Control) Rules 2000. We also notice that an amendment has also been brought about to those Rules by the Noise Pollution (Regulation and Control) (Amendment) Rules, 2000. In our judgment in W.A.No.3125 of 2001 and O.P.No.16197 of 2001 we have directed the State Government to strictly implement the Noise Pollution (Regulation and Control) Rules,



: 2 :

2000, now ofcourse, as amended. In the light of this, all that is required is to direct respondents 1 to 30 to strictly enforce the Noise Pollution (Regulation and Control) Rules 2000 as amended by the Amendment Rules of 2000 with particular reference to the substitution made to Note 3 of the Schedule to the Rules describing what is a silence zone.

3. Until the various zones are identified by the Government pursuant to our direction issued in our judgment in W.A.No.3125 of 2001 and O.P.No.16197 of 2001, we think that it would be proper and just to direct that the directions issued by the learned single Judge should be implemented uniformly and without discrimination in respect of all religious institutions irrespective of whether they are Hindu, Christian or Muslim. Direction No.2 issued by the single Judge to that extent will stand modified. The directions including direction No.2 will be implemented uniformly and without discrimination. It is made clear that the directions will have efficacy only until the zones are identified in terms of the Noise Pollution



: 3 :

(Regulation and Control) Rules, 2000. Thereafter respondents 1 to 30 will strictly implement the Noise Pollution (Regulation and Control) Rules 2000 as amended.

The writ appeal is allowed in the above manner. There will be no order as to costs.

Sd/-

(P.K.BALASUBRAMANYAN)
Judge

Sd/-

(C.N.RAMACHANDRAN NAIR)
Judge

ahg.

HIGH COURT OF KERALA

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