PRAJAKTA SAGAR VARTAK
Digitally signed by PRAJAKTA SAGAR VARTAK
Date: 2026.10.21

:tak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUO MOTU PUBLIC INTEREST LITIGATION NO. 01 OF 2026
WITH
INTERIM APPLICATION (L.) NO. 35677 OF 2026

In Re: Noise and Environmental Pollution; Public Nuisance caused by unregulated use of Music Systems with Amplifiers and Firecrackers on Public Streets During Festivals.

1. State of Maharashtra through the)
Commissioner of Police (Traffic),)

2. The Secretary, Urband Development)
Department, State of Maharashtra,)

3. Maharashtra Pollution Control Board (MPCB),)
under the administrative control of the)
Environment and Climate Change Department,)
Government of Maharashtra,)

4. The Commissioner, Municipal Corporation)
for Greater Mumbai.) **...Respondents**

AND
INTERIM APPLICATION NO. 2946 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 85 OF 2007
AND
INTERIM APPLICATION NO. 3041 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 85 OF 2007
AND
INTERIM APPLICATION NO. 5287 OF 2022
IN
PUBLIC INTEREST LITIGATION NO. 85 OF 2007

Mr. Anand Pai as Amicus with Ms. Lavanya Panicker .
Mr. Rajendra Desai with Mr. Krishna Ratnaparkhi, Mr. Akshay Pawar and Mr. Vasim Siddiqui for Applicant/Intervenor in IAL No. 35677/2026.
Smt. Anjali Helekar, G.P., with Smt. Jyoti Chavan, Addl. G. P. for State.
Ms. Jaya Bagwe for M.P.C.B.
Ms. Oorja Dhond for B.M.C.

Uploaded on - 21/10/2026 Downloaded on - 22/10/2026 14:22:41

CORAM: G. S. KULKARNI &
DR. NEELA GOKHALE, JJ.

DATE: 21 OCTOBER 2026

P.C.

1. In the present proceedings, detailed orders were passed on 22 September 2026 and 15 October 2026. The proceedings, where similar concerns are raised, have been assigned to this Court under the orders passed by Hon'ble The Chief Justice, are also listed independently today.

2. We find that, despite the aforesaid orders passed in the present proceedings, the wheels of the official machinery appear to be turning too slowly to comply even the basic preliminary compliances as ordered by the Court. No steps have been taken so far even to issue the basic notices as directed in paragraph 17(iii) of the order dated 15 October 2026. By the said order, this Court directed the Municipal Corporation and the Maharashtra Pollution Control Board to jointly issue appropriate notices in newspapers, electronic media, social media and other similar means of publicity, informing the public that the burning of firecrackers at public places, including streets, lanes, footpaths shall not be permitted. The notices are to apprise citizens of the harmful effects of the toxicity caused by the burning of firecrackers and to appeal to them to refrain from burning firecrackers that generate noise and cause smoke and air pollution. The other directions in this regard are quite specific, which too required immediate compliance. In our opinion, the seriousness of the issue has also been set out in our operative order, which require that complaints received by the respective Nodal Officers be addressed with utmost expediency and that prompt action must be taken. At the cost of repetition, we reproduce the relevant directions issued by

Uploaded on - 21/10/2026 Downloaded on - 22/10/2026 14:22:41

this Court in its order dated 15 October 2026, which read thus:-

> "17. In the light of the above discussion, we are of the considered opinion that at this stage of the proceedings, the following order would meet the ends of justice:
> (i) The order dated 22 September, 2026 passed in the present proceedings shall be applicable throughout the year and to all festivals. Accordingly, there shall be a total ban to the bursting of firecrackers during festivities on public streets, roads, etc. The authorities shall take all measures to implement the said direction and prevent air and noise pollution being generated by the use of firecrackers.
> (ii) There shall also be complete restraint on bursting of firecrackers in silence zones like in the vicinity of hospitals, Government offices, Courts, schools etc.
> (iii) The Municipal Corporation and the Maharashtra Pollution Control Board shall jointly issue appropriate notices in the newspapers, electronic media, social media and other similar means of publicity, informing the public that the burning of firecrackers at public places, including streets, lanes, footpaths shall not be permitted.
> (iv) The notice shall also apprise the citizens of the harmful effects of the toxicity caused by the burning of firecrackers and appeal to them to refrain from burning firecrackers that generate noise and cause smoke and air pollution.
> (v) The State Government, the Municipal Corporation and the Pollution Control Board shall set up and implement an awareness mechanism regarding the burning/bursting of firecrackers, within a period of one week. Such mechanism shall include awareness programmes at the school levels, public announcement through electronic/social media and the display of messages on buses, at bus-stops, in trains and at other appropriate places, well before the festivals. The citizens shall also be encouraged to use green crackers with lower noise and air pollution emissions and to adhere to the limited time periods prescribed under the applicable Rules and Regulations for burning firecrackers.
> (vi) The authorities may also consider involving celebrities in the awareness campaigns, with a view to make cities better places to live in.
> (vii) The Municipal Corporations, the Pollution Control Board and the Police Department shall create a complaint mechanism for receiving complaints by providing dedicated telephone numbers and ward-wise email addresses.
> (viii) The Collector, Municipal Commissioner, the Commissioner of Police shall appoint a Nodal officer to co-ordinate the enforcement. The names of such Nodal Officers be appropriately notified so that the citizens can register their grievances on the air and noise pollution generated by bursting of firecrackers.
> (ix) The Chief Secretary shall nominate a Principal Secretary to hold meetings and coordinate on such issues with the different authorities.
> (x) The various authorities shall also equip the field staff with decibel meters and other devices for measuring noise and air pollution.
> (xi) The complaints as may be received by the respective Nodal Officers shall be addressed with utmost expediency and prompt action shall be taken against those who are acting in breach of the rules and regulations as the law would mandate."

3. It also appears that the police machinery is yet to be effective. The orders

Uploaded on - 21/10/2026 Downloaded on - 22/10/2026 14:22:41

passed by this Court whether are at all brought to the notice of the concerned official in-charge of the police stations is not known, considering no action on the issue of prior permission to use music systems in the processions being obtained, with an undertaking to comply with the decibel limits. Also burning of firecrackers on busy public streets is not being controlled. There appears to be routine violations of the orders passed by this Court, particularly in relation to processions (supra) and burning of firecrackers on public streets.

4. We accordingly direct the Commissioner of Police, Mumbai, to convene a meeting with all officers-in-charge of Police Stations and bring to their notice the orders passed by this Court. An SOP needs to be prepared on actions to be taken in regard to the violations. The officers shall be specifically instructed to ensure meticulous implementation of the directions prohibiting processions in which sound systems are used without the appropriate licence being displayed, as ordered by us in the order dated 22 September 2026. The officers shall also be apprised of the total ban imposed on the bursting of firecrackers during festivities on public streets, roads, etc. as directed in the order dated 15 October 2026 (supra).

5. An affidavit be placed on record by the Commissioner of Police, confirming that all officers in-charge of police stations and the relevant police machinery have been adequately apprised of the orders passed by this Court and that the said orders shall be implemented in letter and spirit. Such direction has become necessary for the reason that the concerned police officers are either unaware of, or have not been adequately informed of, the orders passed by this Court. Unless the officers are duly apprised of the orders passed by this Court,

Uploaded on - 21/10/2026 Downloaded on - 22/10/2026 14:22:41

effective implementation of the orders cannot take place, thereby causing severe annoyance and disturbance to the public at large, apart from breach of their legal rights as observed by us.

6. We have also observed in our earlier orders that, whenever a breach of the provisions of law occurs, appropriate action is required to be taken as the law would mandate, including the imposition of penalties as also initiating prosecution. Any dereliction on the part of the police machinery in this regard, adversely affecting the rights of citizens guaranteed under Articles 14 and 21 of the Constitution of India, shall be viewed seriously in the concerned police officials to be held accountable, if appropriate action is not taken against the erring persons.

7. We accept the statement as made by Ms. Chavan, learned AGP along with Ms. Bagwe, learned counsel appearing on behalf of Maharashtra Pollution Control Board, that awareness notices are being finalized and shall be published. We accordingly direct the authorities to publish the said notices and take steps to disseminate them on social media platforms no later than Saturday, 24 October 2026.

8. Let affidavits be accordingly placed on record by the Municipal Commissioner as also the Police Commissioner on or before the returnable date, so that compliance with the directions issued by this Court may be verified and recorded.

9. List the proceedings on **26 October 2026 at 03.00 p.m.**

(DR. NEELA GOKHALE, J) **(G. S. KULKARNI, J.)**

Uploaded on - 21/10/2026 Downloaded on - 22/10/2026 14:22:41