

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

PUBLIC INTEREST LITIGATION No.106/2015

(Court on it's own motion .vs. State of Maharashtra and others.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. S.N. Bhattad, Advocate (Amicus Curiae).

Mrs. B.H. Dangre, Government Pleader for Respondent Nos. 1 to 3.

Mr. A.M. Quazi, Advocate for Respondent No.5.

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CORAM : B.R. Gavai & A.S. Chandurkar, JJ.

DATED : March 17, 2016.

1. The learned *amicus* appearing in the present public interest litigation has pointed out to us that though certain violations were noticed during night hours and though complaints were made in the concerned Police Stations, the Police refused to take action on the ground that it is within the domain of the Municipal Corporation.

2. The directions issued by this Court mind everyone including respondent no.3 who is the Commissioner of Police. It is equally the duty of respondent no.3 to ensure that the orders passed by this Court are duly complied with. There is another difficulty inasmuch as during night hours, it will be only the Police Stations which would be open inasmuch as the Corporation or the Nagpur Improvement Trust would stop functioning after 6^o clock. The order of restraint starts at 8 p.m. and runs till 8 a.m. in the next morning at which point of time, no Officer from the N.M.C. or the N.I.T. would be available. In that view of the matter, we direct respondent no.3 to provide a helpline number and give a wide publicity of the said helpline number so that

the citizens who intend to make the grievance of the violations of the order passed by this Court, they can use this helpline number and lodge the complaints with the Police.

3. Mr. Quazi, the learned counsel appearing on behalf of respondent no.5 has also pointed out to this Court one more difficulty. He states that the work of concretization of 84 roads in the city is going on. He submits that if the order passed by this Court is also made applicable to the concretization of the said roads, then it will create a chaotic situation. It is submitted that if the work of concretization is not permitted in the night hours, then the entire traffic would be blocked during the day hours. It is further submitted that in order to ensure that the quality of the roads is maintained for a longer time, laying down of the concrete has to be done only during night when the temperature comes below 35 degrees.

4. In that view of the matter, insofar as the concretization of roads in Nagpur is concerned, we issue the following directions:-

5. The work of digging the roads for which heavy vibrators are to be used and which makes a great noise pollution, would be permitted only during day hours. However, the work of laying down the concrete which does not have the much effect on the noise pollution, would be permitted during night hours.

6. Stand over to 7.4.2016.

JUDGE

halwai

JUDGE