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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10969/2024**

Date of Decision: **11.02.2026**

IN THE MATTER OF:

TARIKA REKHI & ANR.

.....Petitioners

Through: Mr. Neeraj Dahiya, Advocate.

versus

GNCT OF DELHI & ORS.

.....Respondents

Through: Ms. Vaishali Gupta with Mr Kartik Sharma, Advocates for GNCTD.

Mr Balendu Shekhar with Mr Krishna Chaitanya, Mr Rajkumar Maurya and Mr Divyansh Singh Dev, Advs. for R3.

Ms. Zubeda Begum with Ms. Hardeep Kaur, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The petition is for directions to the respondent-authorities, being, the Government of NCT of Delhi, the New Delhi Municipal Corporation, and the Central Pollution Control Board to take immediate steps to curtail and prevent the playing of loud music in the vicinity of the petitioners' residential society.

2. The petitioners' grievance is that the loud music is regularly played in



B.W. Block, Shalimar Bagh, Delhi using unauthorised loudspeakers.

3. It is pointed out that under Rule 5 of the Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter, ‘the Rules’), framed under the Environment Protection Act, 1985 (hereinafter, the Act), use of loudspeakers without obtaining written permission from the designated authority is prohibited. Further, under Rule 4 thereof, the designated authority shall be responsible for the enforcement of noise pollution control measures and due compliance of the ambient air quality standards in respect of noise. Under Rule 7, complaints may be made to the designated authority by any person.

4. Further, under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, BNSS), the concerned Executive Magistrate is fully empowered upon receipt of information, to pass a conditional order for removal of any good/merchandise which is injurious to the health of physical comfort of the community.

5. The petitioner claims to have approached various authorities including the concerned Station House Officer of the jurisdictional police station. However, no action has been taken towards the same.

6. Learned counsel who appears for the Central Pollution Control Board submits that under Rules 3 and 4 of the said Rules, the parameters for air quality standards in respect of noise have been specified, and violation thereof, would entail the necessary consequences.

7. The Supreme Court in its decision in *Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Assn.*,¹ was faced with a situation where the appellant had assailed directions passed by the High Court for



curbing the use of amplifiers and loudspeakers in places of worship. The Supreme Court rejected the appellant's contention that prohibition of the use of amplifiers and loudspeakers would curtail their fundamental rights under Article 25 and Article 26 of the Constitution of India.

“13. In the present case, the contention with regard to the rights under Article 25 or Article 26 of the Constitution which are subject to “public order, morality and health” are not required to be dealt with in detail mainly because as stated earlier no religion prescribes or preaches that prayers are required to be performed through voice amplifiers or by beating of drums. In any case, if there is such practice, it should not adversely affect the rights of others including that of being not disturbed in their activities. We would only refer to some observations made by the Constitution Bench of this Court qua rights under Articles 25 and 26 of the Constitution in Acharya Maharajshri Narendra Prasadji Anandprasadji Maharaj v. State of Gujarat [(1975) 1 SCC 11] . After considering the various contentions, the Court observed that : (SCC p. 20, para 30)

“No rights in an organized society can be absolute. Enjoyment of one's rights must be consistent with the enjoyment of rights also by others. Where in a free play of social forces it is not possible to bring about a voluntary harmony, the State has to step in to set right the imbalance between competing interests....”

The Court also observed that : (SCC p. 20, para 31)

“A particular fundamental right cannot exist in isolation in a watertight compartment. One fundamental right of a person may have to coexist in harmony with the exercise of another fundamental right by others and also with reasonable and valid exercise of power by the State in the light of the Directive Principles in the interests of social welfare as a whole.””

8. Further, in its decision *in re, Noise Pollution*,² the Supreme Court has taken note of the prevalence of noise pollution in the country and issued the following directions, with specific reference to loudspeakers:

“(ii) Loudspeakers

175. 1. The noise level at the boundary of the public place, where loudspeaker or public address system or any other noise source is being used shall not exceed 10 dB(A) above the ambient noise standards for the

¹ (2000) 7 SCC 282

² (2005) 5 SCC 733



area or 75 dB(A) whichever is lower.

2. No one shall beat a drum or tom-tom or blow a trumpet or beat or sound any instrument or use any sound amplifier at night (between 10.00 p.m. and 6 a.m.) except in public emergencies.

3. The peripheral noise level of privately-owned sound system shall not exceed by more than 5 dB(A) than the ambient air-quality standard specified for the area in which it is used, at the boundary of the private place.”

9. The following general directions were also issued:

“178. 1. The States shall make provision for seizure and confiscation of loudspeakers, amplifiers and such other equipment as are found to be creating noise beyond the permissible limits.

2. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 makes provision for specifying ambient air-quality standards in respect of noise for different areas/zones, categorisation of the areas for the purpose of implementation of noise standards, authorising the authorities for enforcement and achievement of laid down standards. The Central Government/State Governments shall take steps for laying down such standards and notifying the authorities where it has not already been done.”

10. The Court has noted the hazards posed by noise pollution and the various adverse effects it has on human health, such as hearing loss, disturbance with sleep, effect on motor skills, psychological effects. It has also noted the ill-effects of noise pollution on unborn foetuses. The Court further affirmed the decision of the High Court of Kerala in the case of **P.A. Jacob v. Supdt. of Police**,³ wherein, the right to silence was recognised as a fundamental right. It observed that no one has a right to trespass on the mind or ear of another and commit auricular or visual aggression.

11. Further, in **Free Legal Aid Cell Shri Sugan Chand Aggarwal v. Govt of NCT of Delhi**,⁴ this Court had held that noise pollution would involve violation of the right to life guaranteed under Article 21 of the Constitution of India.

³ AIR 1993 Ker 1

⁴ AIR 2001 Del 455



12. The views of this Court are fully in consonance with the aforesaid decisions. Therefore, the petitioner is directed to file a proper complaint before the designated authority under the Act and the Rules, and/or to the concerned Executive Magistrate under the BNSS. If there does exist noise pollution beyond the limits stipulated under the Act and the Rules, necessary action will have to be taken by the concerned authorities. The aforesaid is in addition to any other remedy that the petitioners may have in accordance with law.

13. If the grievance of the petitioner is not fully mitigated within a reasonable period of time, he shall be at liberty to take further recourse in accordance with law.

14. Accordingly, the instant petition is disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 11, 2026

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