



2024:UHC:6552

| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | COURT'S OR JUDGE'S ORDERS |
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| | | | <p>CLCON No.296 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Ms. Neeti Rana, Advocate for the petitioner.</p> <p>2. Petitioner has alleged disobedience of the order dated 31.03.2023 passed by Division Bench of this Court in WPMB No.04 of 2023. By the said order, authorities were directed to examine the grievance raised by petitioner in terms of order dated 10.08.2020 passed in WPPIL No.112 of 2015 and to conduct surprise checks of respondent no.5-Mosque at least on 10 occasions at different times of the day and record the decibel level and the sound emanating from there, and findings of the surprise checks were directed to be placed on record alongwith counter affidavit.</p> <p>3. Learned counsel for the petitioner has also drawn attention of this Court to the direction contained in paragraph no.45(i) of the judgment dated 10.08.2020 rendered by learned Single Judge in WPPIL No.112 of 2015, which is extracted below:</p> <p>"i. The State Government is directed to ensure that no loudspeaker or public address system shall be used by any person including religious bodies in Temples, Mosques and Gurudwaras without written permission of the authority even during day time, that too, by getting an undertaking that the noise level shall not exceed by more than 5dB(A) peripheral noise level above the ambient noise standards specified for the area in which it is used at the boundaries of the private place."</p> <p>4. Learned counsel for the petitioner submits that, despite the order dated 31.03.2023 passed by Division Bench of this Court, authorities have not taken any steps so far, which according to her, amounts to contempt of this Court.</p> |



5. Before proceeding any further in the matter, this Court thinks that ends of justice would be met, if petitioner is permitted to approach the District Magistrate, by making representation, who shall look into the matter as per law.

6. Accordingly, the writ petition is disposed of with liberty to petitioner to make representation. In his representation, petitioner shall draw attention of District Magistrate to the order passed in WPPIL No.112 of 2015 and also the order passed in WPMB no.04 of 2023. If petitioner makes representation, within ten days' from today, District Magistrate, Dehradun shall look into the matter and take decision, as per law, within four months' thereafter. It goes without saying that the persons likely to be affected by the decision, shall also be heard.

(Manoj Kumar Tiwari, J.)

09.09.2024

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