

August 18, 2026
Sl. No.06
Court No.1
s.biswas

WPA (P) 401 of 2026
Md. Danish Farooqui
- Versus -
The State of West Bengal & Others

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Sirsanya Bandopadhyay,
Ms. Aparupa Poddar,
Mr. Arka Kr. Nag,
Mr. Rahul Kumar Singh,
Ms. Sneha Sarkar,
Mr. Syed Nafirul Islam,
Mr. Md. Babul Hossain,
Mr. Ejaz Akhtar,
Mr. Anit Das,
Mr. Samirul Sarder,
Mr. Md. Ahsanuz Zaman
... for the Petitioner.

Mr. Surajit Nath Mitra, AG
Mr. Billwadal Bhattacharyya, Sr. Adv.
Mr. Srijib Chakraborty,
Mr. Sunny Nandy
... for the State/Respondents.

The present public interest litigation (in short, PIL) has been preferred praying for issuance of necessary direction upon the respondents to ‘cancel the verbal directions issued to the managements of places of worship in West Bengal for the removal of loudspeakers from their premises’ and to ‘permit the use of loudspeakers at the places of worship in strict compliance of existing Rules, Guidelines and Circulars, including the Noise Pollution (Regulation and Control) Rules, 2000, and the Guidelines framed by the West Bengal Pollution Control Board’. It has also been prayed that the respondents should be restrained ‘from verbally directing or otherwise

coercing the places of worship to remove their loudspeakers without any conclusive proof of any violation of the prescribed noise decibel levels and without following the due process of law’.

Mr. Bandopadhyay, learned Senior Advocate appearing for the petitioner submits that on 3rd August, 2026 meetings were convened by various police stations in the district of Hooghly wherein representatives of mosques and temples were verbally directed to remove loudspeakers from their respective places of worship. Due to such verbal direction and under the threat of coercive action, loudspeakers had been removed from more than 4000 mosques in the State of West Bengal. On 5th August and 7th August, 2026, representations were submitted before the District Magistrate, Hooghly and Commissioner of Police by Imams, Secretaries and Presidents of such places of worship seeking their intervention in the issue. On 9th August, 2026, a representation was also filed by the petitioner before the Principal Secretary, Department of Home and Hill Affairs, Government of West Bengal and the Director General of Police, West Bengal, seeking intervention for prevention of blanket ban on the use of loudspeakers in such places of worship but in vain.

He contends that such oral instruction without written statutory orders, notifications or legal

sanction violates the principles of natural justice and also the Constitutional rights. Law does not impose an absolute ban on loudspeakers. Instead, the legal regime governed by the Noise Pollution (Regulation and Control) Rules of 2000 establishes a regulatory mechanism based on decibel limits and time slots.

He further argues that religious institutions operating in *bona fide* compliance with statutory limits should not face arbitrary equipment removal and unwritten verbal dictate. Such act violates the provisions of Article 14 of the Constitution of India.

He argues that no official order authorising ban on loudspeakers has been served and the representations submitted have not been responded to. Such acts reveal that the State authorities have failed to follow the procedure known to law. In support of such contention, reliance has been placed upon the judgments delivered in the cases of *Moulana Mufti Syed Md. Noorur Rehman Barkati & Ors vs. State of West Bengal & Ors.*, reported in AIR 1999 Cal 15, and *Noise Pollution (V), In Re with Forum, Prevention of Environmental & Sound Pollution vs. Union of India & Anr.*, reported in (2005) 5 SCC 733 and also upon an unreported judgment delivered by a Co-ordinate Bench of this Court in the case of *Akshya Kumar Sarangi vs. The State of West Bengal & Ors.*

Mr. Mitra, learned Advocate General appearing for the State denies and disputes the contention of Mr. Bandopadhyay and submits that perusal of the reliefs sought for in the writ petition would reveal that the petitioner seeks issuance of direction upon the respondents to cancel some verbal directions issued by the police authorities. In support of such reliefs claimed, the pleadings are that information was received by the petitioner from various Imams, Secretaries and Presidents of places of worship placed in the district of Hooghly on 3rd August, 2026 that a series of meetings were convened at town outposts of Bhadreswar Police Station and that the representatives were unequivocally directed by the police officials to remove the loudspeakers that had been installed on the towers and premises of the respective places of worship with immediate effect. Such statements are bereft of any supporting documents. The particulars of the 4000 mosques, as referred to in the writ petition, have also not been disclosed. There is no statement or allegation in the writ petition that any police personnel had entered the places of worship or had engaged any person for removal of loudspeakers. Such allegation is also absent in the representations annexed to the writ petition. No specific overt act had been attributed to any State authority. In the said conspectus, the petition itself is not maintainable.

He further argues that the parameters prescribed for entertaining a PIL include conditions that the credentials of the petitioner need to be verified and on the basis of the materials on record, the Court is required to be *prima facie* satisfied as regards the correctness of the contents of the petition and that substantial public interest is involved in the matter. Such conditions are lacking in the present writ petition. In support of the arguments advanced reliance has been placed upon the judgments delivered in the cases of *State of Uttaranchal vs. Balwant Singh Chaufal & Ors.*, reported in (2010) 3 SCC 402, *Bharta Singh and Ors. vs. State of Haryana and Ors.*, *West Bengal Board of Examination for Admission to Engineering, Medical and Technological Degree Colleges & Ors vs. Dr. Jitendra Lal Banerjee & Ors.*, reported in AIR 1984 Cal 52, *All India Crimes Reforms Organization & Anr vs. The Union of India* reported in 2018 SCC OnLine Cal 236 and *Rabin Kandar & Anr vs. State of West Bengal & Ors.*, reported in 2026 SCC OnLine Cal 10086.

In reply, Mr. Bandopadhyay argues that the judgments upon which reliance has been placed by Mr. Mitra are distinguishable on facts. The grievance highlighted by the petitioner in a PIL needs to be taken into consideration. The averments made in the writ petition need to be considered together and not in isolation. A particular line cannot be picked up

and highlighted. Mere technical misdescription in drafting pleadings cannot be used as secret weapon to non-suit the party. In support of such contention, reliance has been placed upon the judgment delivered in the case of *Brajesh Jha vs. Union of India & Ors.*, reported in 2017 SCC OnLine Cal 899.

Drawing our attention to the judgment delivered in the case of *Suvendu Adhikari & Anr vs. State of West Bengal & Ors.*, reported in (2023) 1 High Court Cases (Cal) 484, Mr. Bandopadhyay submits that an identical issue, as urged by Mr. Mitra in the present writ petition, was considered by the Court in the said PIL and such contention was negated and it was held that strict rules of pleading may not apply in PIL distinguishing the judgment delivered in the case of *Bharat Singh & Ors. vs. State of Haryana & Ors.*, reported in (1988) 4 SCC 534, upon which reliance was placed by Mr. Mitra.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the writ petition has been preferred being aggrieved by some alleged verbal directions stated to have been issued by the respondent authorities. In paragraph 5 of the writ petition the writ petitioner stated that he received information from various Imams, Secretaries and Presidents of different places of worship in the district of Hooghly,

on 3rd August, 2026, a series of meetings were conducted and that during such meetings, the representatives were directed by the said police officials present to remove with immediate effect the loudspeakers that had been installed at the towers and premises of their respective places of worship. However, no document has been annexed to establish such facts as averred. No particulars have been given as regards the 4000 mosques in West Bengal from which under threat of coercive actions, loudspeakers have been removed. No specific overt act has been attributed to the police authorities and no contemporaneous documents have been produced in support of the averments made in the writ petition. Suspicion, howsoever high, cannot be a substitute of actual proof. It has not been alleged that any police personnel entered the place of worship or did engage any person to remove the loudspeakers. It is also not a case that police authorities have seized any equipment. The news reported in the Indian Express, upon which reliance has been placed by the petitioner, also speaks that the *'West Bengal Police has urged mosques in various parts of the state to limit and remove the high decibel loudspeakers at the top and replace them with sound boxes'*. There is nothing in the said report that the police authorities have acted in an arbitrary or whimsical manner. The adjudicatory field of the writ

Court is solely on the basis of '*affidavit evidence*'. When a point is required to be substantiated by facts, the party raising the point must plead such facts by evidence which must appear from the writ petition. If the facts are not pleaded or the evidence in support of such facts is not annexed to the writ petition, the Court cannot grant relief.

For the reasons discussed above, the writ petition being WPA (P) 401 of 2026 is dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Atarup Banerjee, J.) (Tapabrata Chakraborty, A.C.J.)