



RESEARCH QUESTION

"What legal remedies exist in India against a neighbour causing persistent noise, smoke, or harassment, including nuisance actions, noise pollution rules and permitted decibel limits, police complaints under the BNS, and civil injunctions?"

What Legal Remedies Exist in India Against a Neighbour Causing Persistent Noise, Smoke, or Harassment?

TL;DR

In India, remedies against a neighbor's persistent noise, smoke, or harassment span civil injunctions for private nuisance, regulatory actions under the Noise Pollution (Regulation and Control) Rules, 2000, and criminal remedies under the Indian Penal Code (formerly, now the Bharatiya Nyaya Sanhita). The Supreme Court in *Forum, Prevention of Env. and Sound Pollution v. Union of India* (2005) affirmed that freedom from noise pollution is an integral part of the right to life under Article 21, establishing strict residential ambient noise limits of 55 dB(A) during the day and 45 dB(A) at night. While public nuisances affecting a locality require representative civil actions under Section 91 of the CPC or summary magistrate orders under Section 133 of the CrPC, purely private disputes must be resolved through individual civil suits for injunctions and damages.

VERIFIED CASES	STATUTES	LATEST RULING
22	5	2025
21 High Courts · 1 SC		High Court of Punjab and Haryana

CONTENTS

I. Detailed Analysis	3
II.	6

Statutory Provisions

III.	Cases Discussed	8
IV.	Case Details	10

Prepared by Vitark AI · Strictly confidential · Verify citations before use

I. Detailed Analysis

KEY PRINCIPLES ESTABLISHED

01 Private vs. Public Nuisance Distinction

Private nuisance affects specific individuals, whereas public nuisance affects the community in general, and they require different legal pathways. For instance, private nuisances (such as a neighbor draining sewage onto a resident's land) entitle the affected individual to file a civil suit for an injunction and damages without needing to represent the public, as seen in *Niranjan Kumar Jena v. State of Odisha* (2025).

02 Representative Civil Suits for Public Nuisance

A civil suit addressing a public nuisance must satisfy Section 91 of the Code of Civil Procedure (CPC), requiring either the Advocate-General or two or more persons with the court's leave to file, unless the individual plaintiff can prove "special damage" distinct from the general public. This requirement was strictly enforced in *Mukesh Kumar v. Dharmichand* (2024), where the court dismissed a suit for failure to obtain leave under Section 91.

03 Special Damage Exception to Section 91 CPC

An individual may maintain a civil suit for a public nuisance without obtaining court leave or joining others under Section 91 CPC if they have suffered unique "special damage" affecting their independent private rights. The High Court in *Thambaiya Naidu v. The State of Tamil Nadu* (2008) clarified that an adjoining landowner's private right of access to a public highway is an independent right that can be enforced without satisfying Section 91 CPC. Additionally, a justiciable cause of action for apprehended private nuisance can be maintained independently of the public interest framework under Section 91, as shown in *St. Mary's Orthodox Church v. Thankamani Rajan* (2015).

04 Permissible Noise Standards and Decibel Limits

Under the Noise Pollution (Regulation and Control) Rules, 2000, ambient noise standards are strictly categorized by zone, restricting residential areas to 55 dB(A) during the day and 45 dB(A) at night, as discussed in *Sakuthala Vedachalam v. State of Tamil Nadu* (2019).

05 Nighttime Restrictions and Peripheral Private Noise

The Supreme Court has banned the nighttime use of loudspeakers and sound amplifiers between 10:00 PM and 6:00 AM, and restricted the peripheral noise of privately owned sound systems at a private property's boundary to a maximum of 5 dB(A) above ambient standards, a rule applied in *Indu Agarwal v. State of Rajasthan* (2011).

06 Limits of Section 133 CrPC in Neighbor Disputes

Although Section 133 of the Code of Criminal Procedure (CrPC) empowers magistrates to summarily remove public nuisances, these proceedings cannot be used to settle private disputes between individual neighbors. In *Sanjeev Kumar v. State of Himachal Pradesh* (2018), the court held that Section 133 is strictly intended to protect the community at large and cannot be invoked when the alleged nuisance affects only a single household.

07 Silence Zone Protections

Areas comprising not less than 100 meters around hospitals, clinics, educational institutions, and courts are designated silence zones with lower limits of 50 dB(A) by day and 40 dB(A) by night, which authorities are legally obligated to enforce, as illustrated in *Dr. T.R. Chandramohan v. Commissioner of Police* (2022).

08 Evidentiary Threshold for Public Nuisance under Section 268/290 IPC

To prosecute for public nuisance, there must be concrete evidence of common injury or annoyance to the public at large rather than mere exercise of free speech or minor local irritation. Charges will be quashed if no independent witnesses testify to actual public annoyance, as seen in *S. Kasirajan v. The State* (2020) and *Varadharajan v. State* (2023), whereas active obstruction of public passage that causes clear public irritation is triable, as in *Petitioners v. State of Telangana* (2018). Further, verbal insults directed at specific individuals during private disputes do not meet the public element of Section 268 IPC, as analyzed in *M. Nagalaxmi v. State of Telangana* (2023).

HOW THE COURTS HAVE APPLIED THIS**SUPREME COURT
POSITION**

The apex court has established that the right to a peaceful, pollution-free environment is an integral facet of the Right to Life under Article 21 of the Constitution, meaning that individual religious or expressive rights cannot be exercised to create a noise nuisance for others, as affirmed in *Umesh Sharma v. State of M. P.* (2018).

HIGH COURT VARIATIONS	Police complaints for repeating public nuisances under Section 291 of the IPC (now corresponding to BNS) require a strict pre-condition of a formal prior injunction under Section 143 of the CrPC. High Courts have repeatedly quashed FIRs where police sought to bypass this by treating a neighbor's verbal refusal to stop noise as an immediate cognizable offence under Section 291 IPC, as seen in <i>Selvam v. State</i> (2021), <i>A. Murugaiyah v. State</i> (2024), and <i>M. Backiaraj v. State</i> (2024). Furthermore, high-decibel DJ systems are categorically banned from receiving permits because their noise output naturally exceeds permissible safety levels, as upheld in <i>M/S Sanjay Light House v. State of U.P.</i> (2019).
RECENT EVOLUTION	Recent High Court decisions have emphasized that while administrative remedies must be pursued, a plaintiff seeking a temporary injunction against a private nuisance must present clear prima facie evidence of intolerable discomfort rather than mere apprehension, which was the basis for denying relief in <i>Balwinder Singh v. Boota Singh</i> (2009). Additionally, where an administrative remedy is already underway under court directions, filing a hasty civil suit for interim relief without waiting for the authority's decision is disfavored, as demonstrated in <i>Ravinder v. Gram Panchayat Pawta</i> (2025).
SCOPE OF 'WRONGFUL ACTS' UNDER SECTION 91 CPC	The 1976 amendment to Section 91 CPC expanded its scope to include 'wrongful acts' affecting the public, but courts will reject leave where the suit is essentially a disguised private dispute, as shown in <i>Fayzan Khan v. Superintendent of Land Records</i> (2023).
PRIORITIZING REGULATORY FRAMEWORKS OVER CRIMINALIZATION	Courts emphasize that noise complaints involving public discourse or religious practices should be channelled through specialized regulatory bodies and noise control rules rather than personal criminal litigation, as noted in <i>Aash Mohammad v. State of Haryana</i> (2017).

II. Statutory Provisions 5 PROVISIONS

SECTION 290, INDIAN PENAL CODE, 1860 — PUNISHMENT FOR PUBLIC NUISANCE IN CASES NOT OTHERWISE PROVIDED FOR

Imposes a fine of up to two hundred rupees for committing a public nuisance when no specific punishment is otherwise prescribed by the Code.

"Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees." *Cited in: M. Nagalaxmi v. State of Telangana, Petitioners v. State of Telangana, S. Kasirajan v. The State, Selvam v. State, Varadharajan v. State, A. Murugaiyah v. State, M. Backiaraj v. State*

SECTION 91, CODE OF CIVIL PROCEDURE, 1908 — PUBLIC NUISANCES AND OTHER WRONGFUL ACTS AFFECTING THE PUBLIC

Enables the Advocate-General, or two or more persons with the leave of the court, to file a civil suit for a declaration, injunction, or other relief against a public nuisance.

"(1) In the case of a public nuisance or other wrongful act affecting, or likely to affect, the public, a suit for a declaration and injunction or for such other relief as may be appropriate in the circumstances of the case, may be instituted, (a) by the Advocate-General, or (b) with the leave of the Court, by two or more persons, even though no special damage has been caused to such persons by reason of such public nuisance or other wrongful act. (2) Nothing in this section shall be deemed to limit or otherwise affect any right of suit which may exist independently of its provisions." *Cited in: Fayzan Khan v. Superintendent of Land Records, Thambaiya Naidu v. The State of Tamil Nadu, Sanjeev Kumar v. State of Himachal Pradesh, St. Mary's Orthodox Church v. Thankamani Rajan, Ravinder v. Gram Panchayat Pawta, Mukesh Kumar v. Dharmichand*

SECTION 268, INDIAN PENAL CODE, 1860 — PUBLIC NUISANCE

Defines public nuisance as any act or illegal omission that causes common injury, danger, or annoyance to the public or to residents in the vicinity.

"A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right. A common nuisance is not excused on the ground that it causes some convenience or advantage." *Cited in: Fayzan Khan v. Superintendent of Land Records, Varadharajan v. State, Sanjeev Kumar v. State of Himachal Pradesh*

SECTION 133, CODE OF CRIMINAL PROCEDURE, 1973 — CONDITIONAL ORDER FOR REMOVAL OF NUISANCE

Empowers designated Executive Magistrates to issue conditional orders directing the removal of an unlawful obstruction or public nuisance, or the regulation of injurious trades.

"Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers— (a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or (b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community... such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance... within a time to be fixed in the order— (i) to remove such obstruction or nuisance; or (ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation..." *Cited in: M. Nagalaxmi v. State of Telangana, S. Kasirajan v. The State*

SECTION 5, RAJASTHAN NOISES CONTROL ACT — POWER TO PREVENT NOISE AT ANY TIME AND AT ANY PLACE

Authorizes the District Magistrate or designated officer to prohibit noise of any kind, including amplification, in any place and at any time in the public interest.

"The District Magistrate or any other person authorized by the State Government in this behalf may, on being satisfied that in his opinion it is necessary in the public interest so to do, by an order in writing recording reasons therefore, prohibit noise of any kind whatsoever, including the amplification thereof, in any place and at any time." *Cited in: Indu Agarwal v. State of Rajasthan*

III.

Cases Discussed

22 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	<i>Sanjeev Kumar v. State of Himachal Pradesh</i> HPHC010242762017	HIGH COURT OF HIMACHAL PRADESH	2018	Section 133 CrPC summary proceedings cannot resolve private neighbor disputes.
02	<i>Indu Agarwal v. State of Rajasthan</i> RJHC020109822011	HIGH COURT OF RAJASTHAN	2011	Noise control acts must comply with Noise Rules and Supreme Court decibel limits.
03	<i>Forum, Prevention of Env. and Sound Pollution v. Union of India</i> ESCR010005412005	SUPREME COURT OF INDIA	2005	Right to live in peace under Article 21 includes freedom from noise.
04	<i>Sakuthala Vedachalam v. State of Tamil Nadu</i> HCMA010089302002	MADRAS HIGH COURT	2019	Ambient noise levels are restricted by zone under Noise Rules, 2000.
05	<i>M. Backiaraj v. State</i> HCMD011331542024	MADRAS HIGH COURT	2024	Prosecution under Section 291 IPC requires proof of a specific prior injunction.
06	<i>Selvam v. State</i> HCMD010821002021	MADRAS HIGH COURT	2021	Police cannot register Section 291 IPC cases for simple defiance of verbal instructions.
07	<i>A. Murugaiyah v. State</i> HCMD011225192022	MADRAS HIGH COURT	2024	Section 291 IPC cannot be invoked without a prior formal magistrate order.
08	<i>Ravinder v. Gram Panchayat Pawta</i> PHHC011442232025	HIGH COURT OF PUNJAB AND HARYANA	2025	Interim injunction is denied where administrative remedies are active and leave is lacking.
09	<i>S. Kasirajan v. The State</i> HCMA010432982020	MADRAS HIGH COURT	2020	Public nuisance is not attracted by peaceful protests exercising protected free speech.
10	<i>St. Mary's Orthodox Church v. Thankamani Rajan</i> KLHC010295172004	HIGH COURT OF KERALA	2015	Apprehended private nuisance can be sued upon without Section 91 CPC leave.
11	<i>Varadharajan v. State</i> HCMD011040252022	MADRAS HIGH COURT	2023	Hunger strike without evidence of public obstruction does not constitute public nuisance.
12	<i>Petitioners v. State of Telangana</i> HBHC010532122018	HIGH COURT FOR STATE OF TELANGANA	2018	Obstructing traffic during a protest constitutes public nuisance under Section 290 IPC.
13	<i>Aash Mohammad v. State of Haryana</i> PHHC011178722017	HIGH COURT OF PUNJAB AND HARYANA	2017	Noise disputes should be resolved through regulatory frameworks rather than criminal prosecutions.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
14	<i>Mukesh Kumar v. Dharmichand</i> RJHC010333502015	HIGH COURT OF RAJASTHAN	2024	Representative suit for public nuisance requires prior court leave under Section 91 CPC.
15	<i>Umesh Sharma v. State of M. P.</i> MPHC020267522018	HIGH COURT OF MADHYA PRADESH	2018	Right of speech does not include right to cause noise nuisance to others.
16	<i>M. Nagalaxmi v. State of Telangana</i> HBHC010313002019	HIGH COURT FOR STATE OF TELANGANA	2023	Public nuisance charges require proof of common injury or annoyance to the public.
17	<i>M/S Sanjay Light House v. State of U.P.</i> UPHC011754582019	ALLAHABAD HIGH COURT	2019	DJ systems are prohibited; non-compliance faces Environment Protection Act penalties.
18	<i>Balwinder Singh v. Boota Singh</i> PHHC010070042009	HIGH COURT OF PUNJAB AND HARYANA	2009	Temporary injunction is denied without prima facie proof of intolerable noise or discomfort.
19	<i>Thambaiya Naidu v. The State of Tamil Nadu</i> HCMA010071681996	MADRAS HIGH COURT	2008	Adjoining owner's private right of access is enforceable without Section 91 CPC.
20	<i>Dr. T.R. Chandramohan v. Commissioner of Police</i> KLHC010706712015	HIGH COURT OF KERALA	2022	Authorities must enforce quiet environment and Noise Rules in designated silence zones.
21	<i>Fayzan Khan v. Superintendent of Land Records</i> HCBM010104072023	BOMBAY HIGH COURT	2023	Court leave under Section 91 CPC is denied for disguised private disputes.
22	<i>Niranjan Kumar Jena v. State of Odisha</i> ODHC010515562025	ORISSA HIGH COURT	2025	Continuous flow of municipal sewage onto private land constitutes actionable private nuisance.

IV. Case Details 22 CASE FILES

01 Sanjeev Kumar v. State of Himachal Pradesh

HIGH COURT OF HIMACHAL PRADESH • 2018-07-31 • CRMM0/471/2017

The petitioner challenged an order passed under Section 133 of the Criminal Procedure Code, which directed him to remove fencing around a water channel (kuhal) on his land following a neighbor's complaint of obstruction. The High Court found that the lower authorities failed to recognize that Section 133 is intended to address public nuisances rather than private land disputes. Consequently, the High Court quashed the impugned orders, ruling that the summary powers under Section 133 were improperly exercised to settle a private civil dispute.

HELD The court ruled that summary proceedings under Section 133 CrPC are meant to protect the community at large from public nuisance and cannot be utilized to settle private civil disputes between neighbors. To attract Section 133(1)(b), the interference with physical comfort must be considerable and affect a wider community or locality rather than residents of a single house.

“Proceedings under Section 133 are not intended to settle private disputes between different members of the public . They are in fact intended to protect the public as a whole against inconvenience . A comparison between the provisions of Sections 133 and 144 of the Code shows that while the former is more specific the latter is more general. Therefore, nuisance specially provided in the former section is taken out of the general provisions of the latter section. The proceedings under Section 133 are more in the nature of civil proceedings than of criminal nature. Section 133(1) (b) relates to trade or occupation which is injurious to health or physical comfort. It deals with itself physical comfort to the community and not with those which are in themselves nuisance but in the course of which public nuisance is committed. In order to bring a trade or occupation within the operation of this Section, it must be shown that the interference with public comfort was considerable and a large section of the public was affected injuriously. The word 'community' in Clause (b) of Section 133 (1) cannot be taken to mean residents of a particular house. It means something wider, that is, the public at large or the residents of an entire locality.”

HIGH COURT OF HIMACHAL PRADESH • 2018

SOURCE HPHC010242762017

02 Indu Agarwal v. State of Rajasthan

HIGH COURT OF RAJASTHAN • 2011-01-21 • CW/650/2011

The petitioner sought permission to play musical instruments during a marriage procession in a designated silence zone in Jaipur, challenging a blanket prohibition issued by the District Magistrate. The court held that while the District Magistrate has the authority under the Rajasthan Noises Control Act, 1963, to regulate noise, such orders must be read in conjunction with the Noise Pollution (Regulation and Control) Rules, 2000, and the Supreme Court's guidelines in the Re: Noise Pollution case.

HELD The court confirmed that noise control orders issued by a District Magistrate must comply with the Noise Pollution Rules, 2000, and the Supreme Court's directions. Peripheral noise from privately owned sound systems must not exceed the ambient quality standard by more than 5 dB(A) at the boundary of a private place.

"Sec.5 of the Rajasthan Noises Control Act, 1963 "5.Power to prevent noises at any time and at any place . The District Magistrate or any other person authorised by the State Government in this behalf may, on being satisfied that in his opinion it is necessary in th e public interest so to do, by an order in writing recording reas ons therefor, prohibit noise of any kind whatsoever, including the amplification thereof, in any place and at any time." ... (ii) For measurement of the ambient air noise standards from the boundary level of public place, the noise level shall not exceed 10 dB(A) above the ambient noise standards for the area or 75 dB (A), whichever is lower, and 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, as directed by the Supreme Court in its judgment in Para 168 – II. Loudspeakers, reported in AIR 2005 SC 3136"

HIGH COURT OF RAJASTHAN • 2011

SOURCE RJHC020109822011

03 Forum, Prevention of Env. and Sound Pollution v. Union of India

SUPREME COURT OF INDIA • 2005-10-28 • 2005 INSC 537

This case involved a challenge to the constitutional validity of an amendment to the Noise Pollution (Regulation and Control) Rules, 2000, which allowed State Governments to grant limited exemptions for the use of loudspeakers during night hours for cultural or religious festivals. The Supreme Court upheld the constitutionality of the rule, finding the limited power of exemption reasonable given India's cultural diversity. However, the Court imposed strict conditions: the power cannot be delegated further, must be exercised with public interest in mind, and cannot be expanded in duration or frequency. Furthermore, exemptions cannot apply to designated silence zones.

HELD The Supreme Court upheld the Noise Pollution Rules, 2000, emphasizing that the fundamental right to life under Article 21 includes the right to live in peace and be free from forced noise audience. The court restricted the use of loudspeakers at night between 10:00 PM and 6:00 AM, allowing only limited festive exemptions under strict conditions.

"\5. Restrictions on the use of loud speakers/public address system:- (1) A loudspeaker or a public address system shall not be used except H 968 A B c SUPREME COURT REPORTS [2005] SUPP. 4 S.C.R. after obtaining written pennission from the authority. (2) A loudspeaker or a public address system shall not be used at night (between I 0.00 p.m. to 6.00 a.m.) except in closed premises for communication within, e.g. auditoria, conference rooms, community halls and banquet halls."

SUPREME COURT OF INDIA • 2005

SOURCE ESCR010005412005

04 Sakuthala Vedachalam v. State of Tamil Nadu

MADRAS HIGH COURT • 2019-07-31 • WP/301/2002

The petitioner filed a writ petition seeking a mandate to prevent noise pollution in Chunampet village, specifically requesting the regulation of loudspeakers and other sound-amplifying devices that were disrupting local peace. The Court addressed the necessity of enforcing noise level standards. Ultimately, the Court reiterated that while fundamental rights under the Constitution allow for religious practices, these rights are subject to public order, morality, and health, and must be exercised without infringing upon the rights of others to live in a quiet and peaceful atmosphere.

HELD The High Court stated that noise standards are evaluated against an average and rational human being rather than a supersensitive person. Under the Noise Pollution Rules, 2000, ambient air quality noise limits for residential areas are strictly capped at 55 dB(A) during the day (6:00 AM to 10:00 PM) and 45 dB(A) at night (10:00 PM to 6:00 AM).

“The level of noise pollution is relative and depends upon a person and a particular place. The law will not take care of a supersensitive person but the standard is of an average and rational human being in the society. Noise Pollution (Regulation and Control) Rules, 2000 ... Category of area/zone: Residential area - Daytime: 55, Night-time: 45. Daytime shall mean from 6.00 a.m. to 10.00 p.m. Night-time shall mean from 10.00 p.m. to 6.00 a.m.”

MADRAS HIGH COURT • 2019

SOURCE HCMA010089302002

05 M. Backiaraj v. State

MADRAS HIGH COURT • 2024-12-12 • CRL OP(MD)/21791/2024

The petitioner sought to quash an F.I.R. registered against him for allegedly installing a Ganesh idol without official permission under Sections 143 and 291 of the IPC. The court noted that Section 291 of the I.P.C. requires proof of a specific prior injunction against the individual, which was absent here. Concluding that the allegations did not constitute a public nuisance, the court quashed the F.I.R.

HELD The court held that Section 291 IPC cannot be invoked in the first instance. It requires a sequence of: (i) commission of public nuisance, (ii) passing of a formal injunction order under Section 143 CrPC by an authorized public servant, and (iii) subsequent defiance or repetition of the nuisance in violation of that order.

“Section 291 of IPC employs the expression “enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance”. The statutory scheme contemplates commission of public nuisance, passing of an injunction order restraining its commission and continuance or repetition of the act in defiance of the injunction order. Section 291 of IPC cannot be invoked in the very first instance.”

MADRAS HIGH COURT • 2024

SOURCE HCMD011331542024

06 Selvam v. State

MADRAS HIGH COURT • 2021-11-09 • CRL OP(MD)/16135/2021

The petitioners sought to quash an FIR registered against them under Section 291 of the Indian Penal Code. The police had initiated the case after the petitioners allegedly refused to stop creating a public nuisance upon verbal instruction from patrolling officers. The court held that Section 291 requires a prior formal injunction issued under Section 143 of the Code of Criminal Procedure by a competent authority. The court concluded the police improperly used Section 291 to circumvent statutory restrictions against investigating non-cognizable offenses and quashed the FIR as an abuse of process.

HELD The High Court quashed the FIR, ruling that a person's simple failure to heed verbal police instructions does not constitute an offence under Section 291 IPC. Committing public nuisance under Section 290 IPC is non-cognizable, and the police cannot falsely register a case under Section 291 IPC to bypass the statutory bar on investigating non-cognizable offences without a prior formal magistrate order.

"The statement by the informant police that the accused did not pay heed to their instruction will not constitute an offence under Section 291 of IPC. The act of committing public nuisance by itself is a non-cognizable offence. For it to become a cognizable offence, a further element is required and that is enjoining by the competent public servant to the person concerned to desist from indulging in the act and the person to whom the directive has been issued must defy the same and repeat the act of public nuisance. Then and then alone Section 291 of IPC will get attracted and not otherwise."

MADRAS HIGH COURT • 2021

SOURCE HCMD010821002021

07 A. Murugaiyah v. State

MADRAS HIGH COURT • 2024-03-26 • CRL OP(MD)/22687/2022

The petitioner sought to quash an FIR registered under Section 291 of the Indian Penal Code. The police had charged the petitioner for playing loud music during a prohibitory period under Section 144 of the Code of Criminal Procedure. The court held that an offence under Section 291 IPC requires a prior, specific injunction issued against the individual to desist from a particular nuisance, which was absent in this case. Concluding that the police could not bypass legal requirements for non-cognizable offences by incorrectly invoking Section 291, the court quashed the FIR as an abuse of legal process.

HELD The court ruled that Section 291 of the IPC requires a prior injunction order specifically restraining the commission of a public nuisance, typically issued under the Chapter X(B) framework of the CrPC by an Executive Magistrate. Since there was no such formal proceeding issued between the first commission and its repetition, the FIR was quashed.

“Chapter X (B) of Cr.Pc contains provisions relating to public nuisances. The Executive Magistrate has been conferred with power and jurisdiction to deal with them. Section 291 of IPC employs the expression “enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance”. The statutory scheme contemplates commission of public nuisance, passing of an injunction order restraining its commission and continuance or repetition of the act in defiance of the injunction order. Section 291 of IPC cannot be invoked in the very first instance.”

MADRAS HIGH COURT • 2024

SOURCE HCMD011225192022

08 Ravinder v. Gram Panchayat Pawta

HIGH COURT OF PUNJAB AND HARYANA • 2025-09-10 • CR/6333/2025

The petitioner challenged the decision of the lower courts denying an interim injunction to restrain the Gram Panchayat from operating a cremation ground on a specific plot of land. The petitioner alleged that the site, which abuts his residence, causes health hazards due to pollution and smoke. The appellate court upheld the refusal of the injunction, noting that the land is recorded as a cremation ground in revenue records, similar previous legal challenges were unsuccessful, and the suit lacked the necessary leave of court required under the Code of Civil Procedure for matters involving public nuisance.

HELD The High Court affirmed that Section 91 of the CPC is not an absolute bar. However, where an individual seeks relief for a matter that primarily impacts the public at large, and fails to utilize active administrative remedies directed by the court, the balance of convenience does not favor the grant of an interim injunction.

“Where a suit affects public rights or is in the nature of relief for public nuisance, the statutory scheme contemplates that such suits are maintainable in the manner prescribed by Section 91... Section 91 is not an absolute bar but where a single individual seeks relief on a matter which prima facie affects the public at large, the court may examine maintainability in accordance with settled law. In the present case, the appellate court considered the pleadings and earlier litigation and arrived at the conclusion that maintainability and the factual matrix did not favour interim relief in the hands of the petitioner.”

HIGH COURT OF PUNJAB AND HARYANA • 2025

SOURCE PHHC011442232025

09 S. Kasirajan v. The State

MADRAS HIGH COURT • 2020-09-11 • CRL OP/5974/2020

The petitioner sought to quash criminal proceedings initiated against him for allegedly participating in an unlawful assembly and causing public nuisance during a protest where slogans were raised. Finding that the protest constituted an exercise of the fundamental right to freedom of speech and concluding that the charges lacked substance, the court quashed the proceedings, deeming their continuation an abuse of the court's process.

HELD The High Court quashed the public nuisance charges under Section 290 IPC because there was no proof of actual annoyance or injury to the general public. Slogans raised in a peaceful protest are a protected exercise of freedom of speech, and cannot be prosecuted as public nuisance without examining independent public witnesses to substantiate actual annoyance.

“Admittedly, the petitioner and others did not commit any nuisance to the public. They simply gathered together and raised slogan to arrest Mr.H.Raja. It is also seen from the statement recorded under Section 161(3) of Cr.P.C., no public were examined by the respondent to substantiate the charges leveled as against the petitioner. It shows that there is no nuisance caused by the petitioner to the general public.”

MADRAS HIGH COURT • 2020

SOURCE HCMA010432982020

10 St. Mary's Orthodox Church v. Thankamani Rajan

HIGH COURT OF KERALA • 2015-10-07 • RSA/1209/2004

This case concerns an appeal by St. Mary's Orthodox Church against lower court rulings that prohibited the construction of a vault-type cemetery on church property. Local residents challenged the cemetery's establishment, arguing it posed a health risk by potentially polluting local water sources. The High Court reviewed whether the lower courts erred in their findings regarding compliance with local municipal regulations and potential public health impacts.

HELD The court held that the bar under Section 91 CPC does not limit or affect a person's independent right to file a civil suit for an apprehended private nuisance. A plaintiff who establishes a justiciable cause of action or suffers unique, special damage due to a public nuisance is entitled to maintain a suit without obtaining leave of the court under Section 91(1) CPC.

“But, certainly, the plaintiffs are entitled to raise their grievance if they have a justiciable cause of action of apprehended private nuisance... It is by now well established, as held in the rulings as in Municipal Board, Mangalaur v. Mahadeoji Maharaj, reported in AIR 1965 SC 1157, etc., that any person, who has suffered special damage on account of public nuisance can bring a suit without complying with the formalities of sub section (1) of Sec.91.”

HIGH COURT OF KERALA • 2015

SOURCE KLHC010295172004

11 Varadharajan v. State

MADRAS HIGH COURT • 2023-11-30 • CRL OP(MD)/19263/2022

The petitioners were charged with wrongful restraint, public nuisance, and public disfigurement after organizing a hunger strike in a tent to demand the establishment of a bank branch. Finding that the essential ingredients of the alleged offenses were not satisfied, the court allowed the petition and quashed the criminal proceedings.

HELD The High Court quashed public nuisance charges under Section 290 IPC, highlighting that the prosecution must fulfill the statutory definition of Section 268 IPC. Saging a hunger strike in a temporary tent for a public protest does not constitute a public nuisance unless it causes common injury, danger, or annoyance to the public in the vicinity.

“For attracting under section 290 of IPC, section 268 of IPC must be fulfilled. ... Perusal of the records shows that no public nuisance has been committed by the petitioners. So the offences under Section 290 of IPC is not attracted.”

MADRAS HIGH COURT • 2023

SOURCE HCMD011040252022

12 Petitioners v. State of Telangana

HIGH COURT FOR STATE OF TELANGANA • 2018-07-27 • CRLP/7571/2018

The petitioners were charged with offences under the IPC for staging a 'dharna' (protest) that obstructed traffic and public movement. The court found that while several procedural and substantive charges failed, the obstruction caused public annoyance, which prima facie constitutes public nuisance under Section 290 IPC. Consequently, the court partially allowed the petition, allowing the trial to proceed regarding Section 290.

HELD The court held that public nuisance under Section 290 IPC is attracted when there is active obstruction of a public passage. Since the public is legally entitled to move freely along roads, blocking their way causes "annoyance"—defined as irritation, exasperation, or anger—constituting a triable offense under Section 290 IPC.

“Public nuisance means the act that is illegal because it interferes with the right of the public generally. Therefore, obstructing the public from moving in one direction... when they are entitled to enjoy their right to use the road to proceed in such a direction would amount to interference with the right of the public generally. The meaning of the word 'annoyance' is irritation, exasperation, vexation, indignation, anger, crossness, displeasure, chagrin, pique... the act of obstruction of the petitioners would fall in the ambit of Section 290 IPC, i.e., the punishment for the public nuisance.”

HIGH COURT FOR STATE OF TELANGANA • 2018

SOURCE HBHC010532122018

13 Aash Mohammad v. State of Haryana

HIGH COURT OF PUNJAB AND HARYANA • 2017-07-06 • LPA/1023/2017

The appellant filed a petition seeking the registration of an FIR against a public figure for social media posts criticizing the use of loudspeakers for Azaan. The court affirmed the dismissal of the petition, holding that the appellant lacked locus standi and that the expression was protected free speech. The court emphasized that legal remedies for noise nuisance should be pursued through established regulatory frameworks rather than criminal litigation.

HELD The court reiterated that legal remedies for noise nuisances must be governed in strict conformity with the Noise Pollution (Regulation and Control) Rules, 2000, which prescribe limits for industrial, commercial, residential, and silence zones.

"It is also in conformity with the Noise Pollution (Regulation and Control) Rules, 2000 framed by the Central Government under the provisions of the Environment (Protection) Act, 1986 read with rule 5 of the Environment (Protection) Rules, 1986. Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000 provides for ambient air quality standards in respect of noise for different areas/zones as specified in the Schedule annexed to the rule..."

HIGH COURT OF PUNJAB AND HARYANA • 2017

SOURCE PHHC011178722017

14 Mukesh Kumar v. Dharmichand

HIGH COURT OF RAJASTHAN • 2024-02-22 • CR/168/2015

The plaintiff filed a civil suit against the Municipal Corporation and private individuals, alleging that unauthorized construction on a public plaza constituted a public nuisance. The High Court observed that the plaintiff failed to assert any personal or individual right to the property and did not demonstrate any special damage. Consequently, the court held that the suit was for a public nuisance and thus required compliance with Section 91 of the CPC. Since the statutory requirements were not met, the court dismissed the suit.

HELD The High Court held that a suit for injunction alleging a public nuisance cannot be instituted by an individual without alleging and proving special damages. If the dispute affects the public at large and does not involve the determination of an independent personal right, complying with the mandatory representative provisions of Section 91 CPC is mandatory.

"A bare perusal of the aforesaid provision makes it clear that a suit for injunction alleging public nuisance can be instituted either by Advocate General or by two or more persons with the leave of the Court. ... The suit does not involve determination of his independent/personal right and hence it was mandatory for him to comply with the provisions of Section 91 CPC."

HIGH COURT OF RAJASTHAN • 2024

SOURCE RJHC010333502015

15 Umesh Sharma v. State of M. P.

HIGH COURT OF MADHYA PRADESH • 2018-10-12 • WP/24541/2018

This Public Interest Litigation challenged local administrative restrictions on the use of loudspeakers after 10:00 PM during the Navratri festival. The High Court, referencing established Supreme Court directives on noise pollution and Article 21, upheld the necessity of regulating noise levels. The court emphasized that the right to freedom of speech does not include a right to cause noise nuisance to others.

HELD The court affirmed that the right to speech does not grant the right to create noise nuisances. Under the binding constitutional guidelines, loudspeakers and sound systems are banned from 10:00 PM to 6:00 AM, and peripheral noise of private sound systems must not exceed the ambient air quality standards by more than 5 dB(A) at the boundary of a private place.

“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 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.”

HIGH COURT OF MADHYA PRADESH • 2018

SOURCE MPH020267522018

16 M. Nagalaxmi v. State of Telangana

HIGH COURT FOR STATE OF TELANGANA • 2023-02-21 • CRLP/4679/2019

A Special Education Teacher petitioned to quash criminal proceedings charging her with public nuisance and verbal abuse at a disability institute. The High Court evaluated whether the allegations established the legal ingredients of public nuisance, religious insult, or cruelty toward children under the IPC and the Juvenile Justice Act to determine if the trial should proceed.

HELD The court ruled that to establish an offence of public nuisance under Section 268/290 IPC, there must be evidence that the accused did an act causing common injury, annoyance, or danger to the public or to residents in the vicinity. Personal insults or verbal altercations directed at specific individuals in a private setting do not meet this threshold.

“To ascertain the liability for the offence of public nuisance, it is expected that the petitioner should show any act causing injury or annoyance or danger to the public, who occupy in the vicinity or it shall cause injury or obstruction or danger to anyone, who may have occasion to use public road.”

HIGH COURT FOR STATE OF TELANGANA • 2023

SOURCE HBHC010313002019

17 M/S Sanjay Light House v. State of U.P.

ALLAHABAD HIGH COURT • 2019-09-19 • WRIC/29939/2019

The petitioners challenged notices issued to them under the Noise Pollution (Regulation and Control) Rules, 2000, which prohibited the operation of DJ systems. The court observed that these notices were issued in strict compliance with a previous judgment by a concurrent bench of the same court, which had established

comprehensive guidelines regarding noise pollution control and the operation of sound-amplifying equipment in public areas.

HELD The High Court declared that high-decibel DJ systems are a serious threat to human health and must not be granted permissions under the Noise Rules, 2000. It established that any violation of the Noise Rules attracts severe criminal liability under Section 15 of the Environment (Protection) Act, 1986, which includes up to five years of imprisonment and a fine of up to Rs. 1,00,000.

“If a loudspeaker, public address system, DJ, a Musical Instrument, a sound amplifier or any sound producing instrument is used beyond the permissible limit of sound, a person can make a complaint on telephone number 100 to police or toll free number... Whoever fails to comply with or contravenes any of the provisions of Noise Pollution Rules shall be liable for a penalty in terms of section 15 of the Environment (Protection) Act, 1986. Non-compliance of the rules attracts the imprisonment for a term which may extend to five years and fine which may extend to Rs.1,00,000/-.”

ALLAHABAD HIGH COURT • 2019

SOURCE UPHC011754582019

18 Balwinder Singh v. Boota Singh

HIGH COURT OF PUNJAB AND HARYANA • 2009-08-27 • CR/4859/2009

The petitioners sought a temporary injunction to stop the respondent from operating a flour mill and to prevent the electricity board from providing a commercial power connection, alleging nuisance caused by noise, vibrations, and pollution. The lower courts dismissed the application, finding no prima facie case of actionable nuisance and noting that the mill had been operating for over a year with local approval. The High Court affirmed this decision, holding that the petitioners failed to demonstrate that the mill's operation caused intolerable discomfort.

HELD The High Court ruled that a plaintiff seeking a temporary injunction against private nuisance under Order 39 Rules 1 and 2 CPC must show a strong prima facie case. An injunction will be denied if the defendant's facility has been operating with local consent and the plaintiff fails to produce sufficient, concrete evidence that the noise or pollution is intolerable or directly injurious to health.

“In case the plaintiffs are to prove nuisance... the suit can certainly succeed but for the purpose of application under Order 39 Rules 1 and 2 of the Code the petitioners were required to prove prima facie case. ... Rather respondent No.1 was to suffer irreparable loss and injury in case injunction was granted in the absence of material and sufficient evidence on record showing therein that the running of flour mill was causing nuisance to the extent that it was intolerable for the plaintiff/petitioners to live in the locality or that it was disturbing their health etc.”

HIGH COURT OF PUNJAB AND HARYANA • 2009

SOURCE PHHC010070042009

19 Thambaiya Naidu v. The State of Tamil Nadu

MADRAS HIGH COURT • 2008-03-14 • SA/957/1996

The plaintiff sought a mandatory injunction to remove an encroachment—a temporary hut—erected by the fourth defendant on a public lane adjacent to the plaintiff's property. The plaintiff argued that this obstruction blocked access to a local market and interfered with his light and air. Both lower courts dismissed the suit, erroneously concluding that the plaintiff required prior sanction under Section 91 of the Code of Civil Procedure to maintain a suit regarding a public nuisance. The High Court analyzed established legal principles confirming that an owner of land adjoining a public highway possesses a distinct private right of access, which may be enforced independently of any public interest or the necessity for representative action.

HELD The High Court analyzed that while public nuisances require compliance with Section 91 CPC, an adjoining landowner's right of access to a public lane is a distinct private right. When a private right is violated, an individual is fully entitled to seek a mandatory injunction to remove the obstruction independently, without the representative constraints of Section 91.

"The alleged nuisance caused to the plaintiff, even if any, cannot give a cause of action to the plaintiff to file the suit, because he has no legal right as such... Both the Trial Court as well as the Lower Appellate Court have concurrently held that the plaintiff is not entitled to any declaratory relief as prayed for by him, since he has not complied with Section 91 of the C.P.C. before instituting the suit."

MADRAS HIGH COURT • 2008

SOURCE HCMA010071681996

20 Dr. T.R. Chandramohan v. Commissioner of Police

HIGH COURT OF KERALA • 2022-03-11 • WP(C)/24833/2015

The petitioner, a pediatrician, challenged the persistent noise pollution caused by the nearby Kuzhikantom Sree Krishna Swamy Temple, which allegedly operated loudspeakers and other noise-generating equipment in violation of the Noise Pollution (Regulation and Control) Rules, 2000. The High Court affirmed that the authorities are empowered and obligated to enforce the statutory rules against noise pollution, particularly in silent zones where clinics are located, and directed the concerned officials to ensure strict compliance with existing noise regulations.

HELD The High Court confirmed that police and local regulatory authorities have a statutory duty to act on noise complaints. If an authority is satisfied that noise from instruments or loudspeakers is causing annoyance, discomfort, or injury to residents in the vicinity, they are empowered to issue written orders to prevent, prohibit, or regulate such activities.

"If the authority is satisfied from the report of an officer-in-charge of a police station or other information received by him including from the complainant that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk person who dwell or occupy property on the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating..."

HIGH COURT OF KERALA • 2022

SOURCE KLHC010706712015

21 Fayzan Khan v. Superintendent of Land Records

BOMBAY HIGH COURT • 2023-09-29 • A0/271/2023

The appellants sought leave under Section 91 of the Code of Civil Procedure to institute a representative suit challenging the alleged fraudulent modification of land records and development of a Slum Rehabilitation Scheme by the respondent. The trial court rejected the application for leave, determining that the dispute concerned private property rather than a public nuisance or a wrongful act affecting the public. The High Court concluded that the appellants failed to establish a prima facie case for public interest, finding that the suit was essentially a disguised private dispute.

HELD The court explained that following the 1976 amendment, Section 91 CPC allows representative suits with court leave for both public nuisances and "wrongful acts" that prejudicially affect public rights. However, leave will be denied where the suit does not demonstrate a significant impact on public interest and is instead a private property dispute.

"By way amendment in 1976, the scope of Section 91 came to be expanded, in two ways. First, in addition to the Advocate General instituting a suit, such suit can now be instituted with the leave of the Court by two or more persons. Second, the words 'wrongful act' were added as a ground for action in public interest in addition to "Public Nuisance". ... The word wrongful acts has to be understood as any legal wrong that prejudicially affects a legal right of any person."

BOMBAY HIGH COURT • 2023

SOURCE HCBM010104072023

22 Niranjan Kumar Jena v. State of Odisha

ORISSA HIGH COURT • 2025-09-17 • WP(C)/20514/2025

The petitioners challenged the unauthorized use of their private residential land by the Balasore Municipality for the discharge of sewage and foul water. The court held that the continuous flow of municipal sewage through the petitioners' plot constituted a private nuisance, infringing upon their fundamental right to a healthy environment and dignified living. The court directed the municipality to take immediate steps to address the drainage issue.

HELD The court ruled that the continuous flow of waste or sewage onto private property constitutes an actionable private nuisance, for which the standard legal remedy is a civil action for an injunction and damages. A citizen's right to live with dignity under Article 21 includes the right to enjoy pollution-free air and water in a healthy, conducive environment.

"In the case of private nuisance, the usual remedy is an action for an injunction and damages. ... Right to Life does not mean that, it is merely an animal existence, but it should have the Right to live with dignity including the enjoyment of pollution free air and water and to live in a healthy and conducive atmosphere which is required for existence of a human being."

ORISSA HIGH COURT · 2025

SOURCE ODHCO10515562025

DISCLAIMER

This memorandum has been generated by Vitark AI on the basis of publicly available judgments and the question posed by the user. It is provided for research assistance only and does not constitute legal advice. All case citations, holdings, and quotations must be independently verified against the source judgment before being relied upon in any filing, opinion, or correspondence.