



221 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**COCP-4774-2024
Date of decision: 01.09.2025**

JOGESH KUMAR KAPUR & ORS.

..Petitioners

Versus

NISHANT KUMAR YADAV, IAS & ORS.

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate (through VC)
 Mr. Kunal Sharma, Advocate
 Mr. Abhimanyu Bishnoi, Advocate
 for the petitioners.

 Mr. Parminder Kanwar, Advocate
 Mr. Rohit Kaushik, Advocate
 for respondent Nos.1 & 2- UT Chandigarh.

 Mr. Sanjiv Ghai, Advocate
 for respondent No.3.

SUDEEPTI SHARMA, J. (Oral)

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 22.07.2019 passed in CWP-6213-2016, which is reproduced as under:-

“Accordingly, the writ petitions are disposed of with the following mandatory directions:-

i) The States of Punjab, Haryana and Union Territory, Chandigarh are 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 more than 10dB(A) peripheral noise level.

ii) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that the



loudspeaker, public address system, musical instrument and sound amplifier are not played during night time except in auditoria, conference rooms, community halls, banquet halls as per norms laid down under the Noise Pollution

(Regulation and Control) Rules, 2000.

iii) The States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that loud speakers or public address systems are not used between 10.00 p.m. to 6.00 a.m., except between 10.00 p.m. to 12.00 midnight during any cultural or religious festive occasion of a limited duration not exceeding 15 days in all during a calendar year, that too, the noise level shall not exceed 10dB(A) above the ambient noise standards for the area. The peripheral noise level of a privately owned sound system or a sound producing instrument shall not, at the boundary of the private place, exceed by more than 5dB (A). The authority concerned shall keep on visiting and monitoring at the public places, private places, auditoriums, conference rooms, community halls, banquet halls, temples, mosques and Gurudwaras to ensure due compliance of the Rules.

iv) We direct all the Senior Superintendents of Police/ Superintendents of Police in the States of Punjab, Haryana and Union Territory, Chandigarh to ensure that no horn shall be blown in silence zone or during the night time between 10.00 p.m. to 06.00 a.m. in residential areas except during public emergency. No sound emitting construction equipments shall be used or operated during the night time between 10.00 p.m. to 06.00 a.m. in residential areas or silence zone. m. The pressure horns are banned throughout the States of Punjab, Haryana and Union Territory, Chandigarh. The violators of the Rules be penalized under the Rule 6 of the Noise Pollution (Regulation and Control) Rules, 2000.



v) *All the Senior Superintendents of Police/ Superintendents of Police and Deputy Superintendent of Police in the States of Punjab, Haryana and Union Territory, Chandigarh are directed to ensure that motorcycles throughout the States of Punjab, Haryana and Union Territory, Chandigarh are duly fitted with silencers to avoid noise pollution and menace.*

vi) *No person, throughout the States of Punjab, Haryana and Union Territory, Chandigarh, shall carry any fire-arm to a fair, religious procession/ marriage procession or other public assemblage or within the campus or precincts of any educational institution.*

vii) *The Licensing Authorities are also directed to ensure that no licence is issued to any person, who has not completed the age of 21 years.*

viii) *No licence shall be issued to a person who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for [any term] at any time during a period of five years.*

ix) *No licence shall be issued to a person who has been ordered to execute under Chapter VIII of the [code of Criminal Procedure, 1973 (2 of 1974)], a bond for keeping the peace or for good behaviour, during the term of the bond.*

x) *The Director General of Police in the States of Punjab, Haryana and Union Territory, Chandigarh, are directed to ensure that no songs are played glorifying the liquor, wine, drugs and violence in any song even in live shows.*

xi) *The States of Punjab, Haryana and Union Territory, Chandigarh are also directed that no child below the age of 12 years is permitted to enter cinema halls/ multiplexes, where "A" certificate films are screened.*

xii) *The District Administration is directed to ensure that nude posters, semi-nude posters, obscene*



posters should not be fixed/ displayed in any district near the educational institutions in the States of Punjab, Haryana and Union Territory, Chandigarh.

xiii) The Deputy Commissioners in the States of Punjab, Haryana and Union Territory, Chandigarh, are directed to ensure that no loudspeakers are permitted 15 days before the annual examinations and during the course of examinations.

xiv) The recommendations made by the Committee constituted by this Court are ordered to be implemented in letter and spirit for proper enforcement of law.

xv) The District Magistrates/ Senior Superintendents of Police/ Superintendents of Police of each district shall be personally responsible to ensure due compliance of the directions issued hereinabove.”

2. As per the pleadings all the petitioners are residents of Sector-21, Chandigarh whose houses are situated in the vicinity of Community Centre Sector-21, Chandigarh.

3. Learned counsel for the petitioner contends that because of Community Centre near the houses of the petitioners lot of noise due to weddings and other functions is created. He further argues that despite the restriction on the use of loudspeaker beyond 10 P.M., functions at the community centre continued well past the stipulated hours. He further contends that after the function is over the noise of taking out the tents and loading/unloading of chairs etc. also create considerable disturbance to the petitioners during late night hours.

4. A perusal of the above judgment passed by this Court shows that directions are issued to State of Punjab and UT Chandigarh to ensure that no loud speaker and public interest system shall be used by any person including religious bodies in temples, mosques and gurudwaras without



written permission of the authority and no loud speakers or public interest systems should be used between 10 pm to 6 am and there are certain other directions like this.

5. However, a perusal of the judgment passed by this Court and pleadings in the present contempt petition clearly shows that there is no material on record to show violation of the directions issued by this Court.

6. This clearly indicates that there has been no violation or disobedience of the order dated 22.07.2019 passed by this Court. Despite having due knowledge of the legal position that the contempt petition is not maintainable since there is no disobedience of any order passed by this Court, still the present contempt petition is filed, which is a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court.

7. Similar matter has already been dealt with by this Court in **COCP-3579-2025** decided on 24.07.2025 titled as “**Payal Chaudhary V/s KAP Sinha IAS and others**”, while placing reliance on the judgments passed by Hon’ble Supreme Court in case titled as “**Dalip Singh V/s State of Uttar Pradesh and others (2010) 2 SCC 114, Subrata Roy Sahara V/s Union of India (2014) 8 SCC 470 and K.C. Tharakan V/s State Bank of India & Ors. Passed in Writ Petition (Civil) Diary No(s).27458/2022**”.

The relevant paragraphs of **Payal Chaudhary (supra)** are reproduced as under:-

“9. It is evident that the petitioner has engaged in what can only be described as a frivolous and vexatious litigation spree, seemingly driven by a misplaced sense of grievance. Such conduct constitutes a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court. The tendency of litigants to misuse the



judicial forum by engaging in forum shopping, filing repetitive and meritless petitions, and adopting dilatory tactics undermines the very foundation of our legal system and clogs the administration of justice.

10. The Hon'ble Supreme Court, in **Dalip Singh Vs. State of Uttar Pradesh and others (2010) 2 SCC 114**, has cautioned against this emerging category of unscrupulous litigants who, devoid of respect for truth, resort to falsehood and unethical practices in their pursuit of relief. The Supreme Court emphatically held that such litigants, who seek to pollute the stream of justice or who dare to touch the fountain of justice with unclean hands, are not entitled to any relief, interim or final. Relevant extracts of the same is reproduce as under:-

“In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. Courts have evolved new principles to curb such abuse, and it is now well established that a litigant who attempts to pollute the stream of justice or touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

11. The petitioner's conduct in instituting frivolous litigation has resulted in a gross misuse of the judicial process, thereby squandering the valuable time and resources of this Court. It is imperative, in the interest of justice, that bona fide and timely claims are adjudicated expeditiously, without being impeded by vexatious and unscrupulous litigation. At this juncture, reference may be made to the pertinent observations of the Hon'ble Supreme Court in **Subrata Roy Sahara v. Union of India (2014) 8 SCC 470**, wherein the Court lamented the pervasive malaise of frivolous litigation afflicting the Indian judicial system. The Hon'ble Apex Court observed as under:-

“The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession towards senseless and illconsidered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side of every irresponsible and



senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

12. *The Hon’ble Supreme Court has consistently emphasized the need to deter frivolous appeals and petitions by imposing exemplary costs on the litigating parties. In Writ Petition (Civil) Diary No(s). 27458/2022 titled as **K.C. Tharakan v. State Bank of India & Ors.** decided on 01.05.2023, the Hon’ble Apex Court held as follows:*

“No legal system can permit a situation wherein a party repeatedly agitates the same issue after it has been conclusively adjudicated by the highest judicial forum. Such conduct amounts to a gross misuse of the judicial process and results in a significant waste of valuable judicial time. Accordingly, the present writ petition is dismissed with costs. However, taking into consideration that the petitioner is a dismissed employee, we deem it appropriate to impose a nominal cost. The writ petition is, therefore, dismissed with costs quantified at ₹10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Fund, to be utilized for the benefit of the SCBA Library.”

8. In view of the above referred to judgments, this Court is considered view that the instant petition constitutes a glaring instance of misuse of the judicial process. It is, therefore, incumbent upon this Court to safeguard the sanctity of judicial proceedings and to prevent their exploitation by unscrupulous litigants. The time and resources of this Court are limited and must be reserved for *bona fide* grievances that merit judicial consideration.

9. As a sequel to above discussion, and with intention of conveying a strong deterrent message, this Court deems it just and proper to impose costs upon the petitioners.

10. Accordingly, the present contempt petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) for filing such kind of frivolous contempt. The said amount shall be deposited by the petitioners



within a period of two weeks from the date of this order with the treasurer of Punjab Chief Minister Relief Fund, Account No.001934001000589, IFSC Code: TPSC0000019, Punjab Civil Secretariat 1 Branch.

11. Pending miscellaneous applications, if any, are also disposed of.

September 01st, 2025
Sahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*