

Court on its own motion Vs. State of H.P. & Ors.

CWPIL No. 2/2022

21.02.2022 Present: Court on its own motion.

Mr. Ashok Sharma, Advocate General with Ms. Ritta Goswami, Additional Advocate General for the respondents/State.

Mr. Ajay Sharma, Sr. Advocate with Mr. Mr. Atharv Sharma, Advocate, for respondent No.4.

Pursuant to a detailed order passed by this Court on 17.01.2022, a team under the Chairmanship of the concerned Secretary, District Legal Services Authority alongwith other officers was constituted in respect of different districts. The said committee was required to personally and physically verify the various documents referred to in para-20 of the said order. The committee was in addition required to inspect and certify that the equipments of the operators are internationally homologated design, safety parachute, helmets, two way radio communication equipments, instrument panel (altimeter variometer/compass/air speed indicator) and general positioning system, ground support and retrieval vehicle, insurance for operators or insurance for use of helicopter for casualty evacuation and whether the operator has been carrying with him/her on site two well-equipped first aid kits consisting of triangular bandages, sterile pads, gauze roller bandages, pressure bandages, first aid adhesive tape, splints, scissors, as a bare minimum and also verify whether operator had two aero sports qualified guides for the guidance of participants and the persons operating the air raft

having the requisite qualifications and experience prescribed under these Rules and various other directions as contained in para-21 of the said order.

2. The District Legal Services Authority of different districts headed by Secretaries of the DLSAs concerned have separately submitted their reports after inspection.

3. Ms. Ritta Goswami, learned Additional Advocate General, appearing for all the respondents except respondent No.4 and Mr. Ajay Sharma, learned Senior Counsel assisted by Mr. Atharv Sharma, Advocate, appearing for respondent No.4 submitted that they have not been provided with copies of the reports submitted by different DLSAs. Office is directed to provide one copy each to both of them. Learned counsel for the respondents also pray for time to file their response to the suo motu petition as well as to the report submitted by different DLSAs. They are granted two weeks time to do so.

4. Mr. Rishab Tripathi, father and Mrs. Shradha Tripathi, mother of the deceased child, who are appearing by virtual mode, have filed his written submissions, in which they have prayed for their impleadment as parties, so that they can claim loss and damages of his deceased son. It is further submitted that what they want to do is to keep working on and supporting the causes that deceased child was so passionate about and for this purpose they have started a foundation in his name.

5. In the facts of the case, we deem it appropriate to implead only Mr. Rishab Tripathi, aged 44 years resident of C-47, Sterling Villa, Grande Seegehalli Bangalore-560067 as co-petitioner. Office is directed to reflect his name as petitioner No.2.

6. Having regard to the fact of the case, we deem it appropriate to request Mr. B.C. Negi, learned Senior Advocate to assist the Court in the matter as Amicus Curiae . Office is directed to supply a complete set of paper book to the learned Amicus Curiae and reflect his name in the cause list, henceforth.

7. Considering that this matter has been heard at length by Hon'ble DB-II, therefore, list the same on 07.03.2022 at 2.00 P.M. before the same Bench, to be heard by way of virtual mode to enable petitioner No.2 to appear by video.

(Mohammad Rafiq)
Chief Justice

(Jyotsna Rewal Dua)
Judge

21st February, 2022_(Rohit/vs)