



Court on its own motion vs. State of H.P.

CWPIL No. 146 of 2017

19.05.2023

Present: Mr. Dalip K. Sharma, Advocate for the applicant in CMP Nos. 5706, 5707 of 2023.

Applicant in person in CMP No. 5708 of 2023.

Mr. Anup Rattan, A.G with Mr. Ramakant Sharma, Addl. A.G, Mr. J.S. Guleria, Dy. A.G, Ms. Priyanka Chauhan, Dy. A.G and Mr. Rajat Chauhan, Law Officer for the respondents-State.

CMP No. 5706 of 2023

This application has been filed under Section 151 CPC, seeking permission to organize the Devta Mela Balichowki w.e.f. 23.05.2023 to 27.05.2023 in the playground of Government Senior Secondary School, Balichowki after closing of the school i.e. 3.00 p.m. to 10.00 p.m.

2. Learned counsel for the applicant has submitted that the programme is to be organized in School premises from 3.00 p.m. to 10.00 p.m. Consequently, the studies of the students will not suffer.

3. Pursuant to orders passed by this Court in CWPIL No.146 of 2017, certain restrictions have been imposed for utilization of the playgrounds of the Schools/ Colleges for holding any programme, be it sports or cultural activity, therefore, the applicant has filed the present application.

4. Learned Deputy Advocate General has submitted that in the past also, similar permission has been granted



by this Court for the activities like the present one on certain conditions.

5. We are, therefore, persuaded to allow this application and permit the applicant to organize programme w.e.f. 23.05.2023 to 27.05.2023, from 3.00 p.m. to 10.00 p.m., in the playground of Government Senior Secondary School, Balichowki, on the following conditions:-

- (i) That no damage shall be caused to the property of the school and its playground, where the event is proposed to be organized;
- (ii) That after event is convened, the playground shall be handed over to the Principal of the School in neat and clean condition;
- (iii) That the applicant shall follow the COVID protocols, such as norms of social distancing and use of masks etc. and other guidelines issued by the State Government and the Central Government;
- (iv) That the law and order shall be maintained by the local administration during the said period; and
- (v) That the applicant shall deposit a sum of Rs.5000/ in the Students Welfare Fund of the school.

The application stands disposed of.



CMP No. 5708 of 2023

This application has been filed under Section 151 CPC, seeking permission to organize function for promotion of the meritorious students as well as senior citizens and inter-State Wrestling matches and volleyball and other sports and cultural activities on 4th June, 2023 (Sunday) in the playground of Government Senior Secondary School, Ghanhatti, Tehsil and District Shimla, H.P.

2. Learned counsel for the applicant has submitted that the programme is to be organized in School premises on 4th June, 2023 being gazetted holiday. Consequently, the studies of the students will not suffer.

3. Pursuant to orders passed by this Court in CWPII No.146 of 2017, certain restrictions have been imposed for utilization of the playgrounds of the Schools/ Colleges for holding any programme, be it sports or cultural activity, therefore, the applicant has filed the present application.

4. Learned Deputy Advocate General has submitted that in the past also, similar permission has been granted by this Court for the activities like the present one on certain conditions.

5. We are, therefore, persuaded to allow this application and permit the applicant to organize



programme on 4th June, 2023 in the playground of Government Senior Secondary School, Ghanhatti, Tehsil and District Shimla, H.P., on the following conditions:-

- (i) That no damage shall be caused to the property of the school and its playground, where the event is proposed to be organized;
- (ii) That after event is convened, the playground shall be handed over to the Principal of the School in neat and clean condition;
- (iii) That the applicant shall follow the COVID protocols, such as norms of social distancing and use of masks etc. and other guidelines issued by the State Government and the Central Government;
- (iv) That the law and order shall be maintained by the local administration during the said period; and
- (v) That the applicant shall deposit a sum of Rs.5000/ in the Students Welfare Fund of the school.

The application stands disposed of.

CMP No. 5707 of 2023

The present application has become infructuous, in view of order passed in CMP No. 5706 of 2023. The same is disposed of being infructuous.

**(Tarlok Singh Chauhan)
Acting Chief Justice**

May 19, 2023
(naveen)

**(Virender Singh)
Judge**