



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

CMP No. 6544 of 2023 in CWPIL No. 146 of 2017

31.05.2023 Present: Mrs. Anu Tuli Azta, Advocate for the applicant.

Mr. Anup Rattan, Advocate General with M/s Rakesh Dhaulta, Varun Chandel and Pranay Pratap Singh, Additional Advocate Generals and Gautam Sood, Arsh Rattan and Sidharth Jalta, Deputy Advocate Generals for non-applicants-respondents/State.

CMP No. 6545 of 2023

Heard and allowed.

CMP No. 6544 of 2023

This application has been moved in this public interest litigation, which was already adjudicated earlier on 17.05.2022.

2. The applicant is Gram Panchayat Shamra and it is seeking the use of the premises of school, namely, Government Senior Secondary School, Bogdhar, District Sirmaur, H.P. for holding of a fair/*Mela* from 3rd June, 2023 to 5th June, 2023. The said fair is proposed to be organized in the playground of the said school. It is contended that the location of the playground is such that it is convenient for the surrounding 10 panchayats as there is no flat or plain area available in the vicinity and there is hilly terrain in the neighbourhood which won't be suitable to hold it. The Gram Panchayat has also passed a resolution on 08.05.2023, permitting the holding of the said fair and a "no objection



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Certificate” has been provided by the School Managing Committee of the said school for holding of the said fair.

3 Learned Counsel for the applicant states that in the absence of any other suitable place available in the neighbourhood to hold this historical/traditional fair and in view of the fact that “no objection certificate” has been issued by the School Management Committee, permission be granted by this Court for holding of the said fair/Mela in the playground of the said school.

4. Learned Additional Advocate General for the State, on instructions, states that there is no objection on the part of the State for holding the fair/Mela at the said location since there is no other convenient and suitable location in the neighbourhood to hold it. However, he states that previously this Court had permitted such functions to be held, subject to certain conditions and one such order placed before this Court is order dated 17.05.2022, passed in CMP No. 5850 of 2022 filed in this CWPII itself. He also submits that the academic atmosphere of the school should not be affected in any manner whatsoever as the school building is 100 metres away from the playground.

5. Therefore, in these facts and circumstances, this application is allowed and the applicant is permitted to organize the historical/traditional fair “Bogdhar”, from 03.06.2023 to 05.06.2023 in the playground of the



Government Senior Secondary School, Bogdhar, Tehsil Nauradhar, District Sirmaur, H.P., subject to the following conditions:

- (i) That no damage shall be caused to the property of the school and its playground, where the fair is proposed to be organized.
- (ii) That after the fair is organized, the playground shall be handed over to the Principal of the school aforesaid in a neat and clean condition and it shall be ensured that no plastic is used except the one permissible under the law. The administration shall ensure that the playground is cleaned after the fair from 03.06.2023 to 05.06.2023.
- (iii) That the law and order shall be maintained by the local administration during the said period.
- (iv) That the applicant shall deposit a sum of Rs. 11,000/- in the students welfare fund of the school.

6. The organizers shall ensure that the fair/*Mela* takes place in a peaceful atmosphere and they would be responsible if any untoward incident happens.

The application stands disposed of.

(M.S. Ramachandra Rao)
Chief Justice

(Ajay Mohan Goel)
Judge

May 31, 2023
(narender/rishi)