



Court on its own motion Vs. State of HP & others

CMP No. 18452 of 2024 in WPIL No. 146 of 2017

04.10.2024 Present: Mr. Ashwani Pathak, Senior Advocate with Mr. Virender Singh Rathour, Advocate, for the applicant.
Mr. Anup Rattan, Advocate General with Mr. Arsh Rattan, Deputy Advocate General, for the respondents.

CMP No. 18452 of 2024

1 This application was listed before us yesterday, i.e., 03.10.2024.

2. On that day, a direction was issued at the oral request of the learned counsel for the applicant, i.e., Kyauthal Cultural Committee, Junga, District Shimla (hereafter referred to as “the Cultural Committee”) to array the concerned school, i.e., Government Senior Secondary School, Junga, (hereafter referred to as “the GSSS Junga”) as a party to the present application.

3. We had asked the official respondents to intimate the concerned school about the pendency of the instant application and obtain its response.

4. Mr. Arsh Rattan, learned Deputy Advocate General, who appears on behalf of the official respondents, says that the concerned school would have no objection, if “Vijay Dashmi Utsav” is celebrated between 12.10.2024 to 14.10.2024 in the sports ground of GSSS Junga.



5. We may note that in 2022, permission was granted to the applicant, via an application moved on its behalf by the Deputy Commissioner, Shimla to hold “District Level Dussehra Fair” in the playground of the above mentioned school.

6. This order was passed on 04.10.2022 in CMP No. 14044 of 2022.

7. We are, therefore, inclined to grant the prayer sought in the instant application subject to the conditions stipulated in the order dated 30.09.2021, passed by a co-ordinate bench in CMP No. 1176 of 2021, which read as under:

- “i) *That the playground shall not be damaged and any garbage that is created (Sic generated) during the function be got cleared by the concerned authorities;*
- ii) *That no loss shall be caused to the property of the school and also the ground, where the function is proposed to be organized;*
- iii) *That the order passed in CWPII No. 146 of 2017 shall be complied with strictly;*
- iv) *That the school premises shall be kept neat and clean and no disturbance (Sic would be) caused to the academic atmosphere of the school; and*
- v) *That the law and order shall be maintained by the administration during the said period.”*



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8. The applicant will adhere to the aforesaid conditions.

The application is disposed of in aforesaid terms.

(Rajiv Shakdher)
Chief Justice.

(Satyen Vaidya)
Judge

October 04, 2024
(hemlata)