



CWPIL No. 146 of 2017

12.4.2019 Present: Court on its own motion.

Mr. Ashok Sharma, Advocate General with M/s Adarsh Sharma, Ranjan Sharma and Nand Lal Thakur, Additional Advocate Generals, for respondent-State/applicants in CMP's No. 3052 and 3054 of 2019.

Mr. Mandeep Chandel, Advocate, for the applicant in CMP No. 3082 of 2019.

Mr. J.R. Poswal, Advocate, for the applicant in CMP No. 3066 of 2019.

CMP No. 3052 of 2019

This application has been moved by the State of Himachal Pradesh, seeking permission of this Court to hold public/political rallies at the ground known as "Chambi Ground", which is located at Mohal Manjgran, Mauza Ladwara, Tehsil Shahpur, District Kangra, Himachal Pradesh. It is averred that as per the revenue record, the above stated ground is owned by the Education Department and is kept in the Reserve Pool for the purpose of future utilization. It is further explained that Government Senior Secondary School, Rait, is located 400-500 metres away from Chambi Ground and the School has its own playground for the students. It is also averred that there is no other open space in and around the area to permit the political parties to hold public rallies for the purpose of ensuing Elections.

Having heard learned Advocate General in support of the prayer made in this application, same is disposed of in the following terms:-



- (i) The permission is granted to utilize Chambi Ground to hold public/political rallies but the Deputy Commissioner, Kangra, shall ensure that such rallies do not cause any disturbance to the academic atmosphere of the School, which is said to be located 400-500 metres away from Chambi Ground. Preferably, the time of such rallies shall be after School hours or on a holiday;
- (ii) It shall be the responsibility of the political party holding the rally to upkeep the ground and leave no residue or any other unwanted material on the site after the rally is over.
- (iii) The open ground shall be made available to all the political parties and candidates.

The application stands disposed of in above terms.

CMP No. 3054 of 2019

The prayer in this application is to permit the applicant-Gram Panchayat, Bhaderwar, to organize Wrestling Competition in the premises of Government Senior Secondary School, Bhaderwar, District Mandi, Himachal Pradesh, on 17th April, 2019. It is averred that there is no other open space where the event can be organized. It is also averred that the event will be organized after the School hours and as such, no disturbance shall be caused to the academic atmosphere of the School.

For the reasons mentioned in the application, the same is allowed, subject to the condition that the event shall be organized after the School hours without causing any disturbance to the academic atmosphere of the School. Let



the event be organized on 17th April, 2019, subject to the condition that the Gram Panchayat will ensure that after the event, the ground is kept neat & clean and the same is restored to its original status. The application stands disposed of in aforesaid terms.

CMP No. 3066 of 2019

The prayer in this application is to organize Wrestling Competition in the Playground of Government Senior Secondary School, Gopalpur, Tehsil Sarkaghat, District Mandi, Himachal Pradesh, on 15th April, 2019, which is a Gazetted Holiday and the School is closed. It is claimed that the applicant Organisation, i.e. "Lakhdatta Chhinj Committee" has been organizing the event for the last 40-50 years and there is no other space where the event can be organized.

For the reasons mentioned in the application, the same is disposed of with a direction to the Deputy Commissioner, Mandi to verify by 11 A.M. tomorrow the claim of the applicant-Committee to the effect that it has been organizing the event for the last 40-50 years. He will also verify that there is no other rival group, who might be insisting to organize the event at the same place and time. If there is no impediment, the applicant-Committee may be permitted to organize the event on 15th April, 2019, i.e. Gazetted Holiday, when the School is closed, subject to the condition that the ground shall be restored to its original



status and shall be kept neat and clean after the event. The application stands disposed of in aforesaid terms.

CMP No. 3082 of 2019

The prayer in this application is to permit the applicant-Jai Durga Sankirtan Mandal, Mandi to organize *Jagran* and *Bhandara* in the playground of Government Senior Secondary School (Boys), Mandi and U-Block of Primary School, Mandi.

It is stated that the proposed programme is scheduled to be held on 11th and 12th May, 2019, when the School is closed being Second Saturday and Sunday. It is also averred that the above stated Organisation has been organizing *Jagrans* and *Bhandaras* from the last 36 years and that there is no other open space where the event can be organized.

After hearing learned counsel for the parties, the application is disposed of with a direction to the Deputy Commissioner, Mandi to verify above stated averments of the applicant-Organisation and if there is no other suitable place or any other Organisation having rival claim, the applicant-Committee may be permitted to organize the *Jagran* and *Bhandara*, subject to the condition that the *Jagran* shall be organized during the night time and *Bhandara* is organized on a Sunday, when the School is closed. It shall be ensured by the applicant-Organisation that the academic atmosphere



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of the School shall not be disturbed, in any manner,
whatsoever.

Copy dasti.

(Surya Kant)
Chief Justice

(Sandeep Sharma)
Judge

April 12, 2019
(vikrant /yashwant)