



Court on its own motion vs. State of Himachal Pradesh & others

CWPIL No.146 of 2017

17.05.2022 Present Court on its own motion.

Mr. Peeyush Verma, Advocate, for the applicant in CMP No.5840 of 2022.

Mr. Nand Lal Thakur, Additional Advocate General, for the respondent-State.

Mr. Hari Chand, applicant in person in CMP No. 5855 of 2022.

Mr. Dalip K. Sharma, Advocate, for the applicant in CMP No.5847 of 2022

CMP No.5847 of 2022

This application has been filed by the Pradhan, Gram Panchayat Bali Chowki-cum-Chairman of Devta Mela Committee Bali Chowki, Tehsil Bali-Chowki, District Mandi, H.P., seeking permission for organizing the Devta Mela Balichwoki w.e.f. 23.05.2022 to 27.05.2022 in the playground of Government Senior Secondary School, Bali Chowki, District Mandi, H.P after closing of the school i.e. 3.00 PM to 10.00 PM.

Learned Additional Advocate General states that on 23.05.2022 to 27.05.2022 the school would be functioning. It is submitted that no inconvenience would be caused to the studies of the students in case the playground of the school is used for the aforesaid activities. The authorities of the Government Senior Secondary School, Balichwoki, Tehsil Balichowki, District Mandi, H.P. have given their NOC.



We are, therefore, persuaded to allow this application and permit the applicant to organize Devta Mela Balichwoki from 23.05.2022 to 27.05.2022 in the playground of Government Senior Secondary School, Balichowki, District Mandi, H.P. However, the same shall be subject to 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 23.05.2022 to 27.05.2022
- iii) That the applicant shall follow the COVID-19 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;
- v) That the applicant shall deposit a sum of Rs. 11,000/- in the students welfare fund of the school.

The application stands disposed of.

CMP No.5840 of 2022

This application has been filed by the Pradhan, Gram Panchayat Shamra, Tehsil Nauradhar, District Sirmaur, H.P., seeking permission for organizing historical/traditional fair Bogdhar from 3.06.2022 to 5.06.2022 in the playground



of Government Senior Secondary School, Bogdhar, Tehsil Nauradhar, District Sirmaur, H.P.

Learned Additional Advocate General states that on 3.06.2022 & 4.06.2022 the school would be functioning. However, on 5.06.2022, the school shall remain closed being Gazetted holiday. It is submitted that the academic atmosphere of the school would not be affected in any manner whatsoever, since the school building is at a distance of 100 meters from the playground. The school authorities of Government Senior Secondary School, Bogdhar have given their NOC.

We are, therefore, persuaded to allow this application and permit the applicant to organize historical/traditional fair Bogdhar from 3.06.2022 to 5.06.2022 in the playground of Government Senior Secondary School, Bogdhar, Tehsil Nauradhar, District Sirmaur, H.P. However, the same shall be subject to 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 3.06.2022 to 5.06.2022.
- iii) That the applicant shall follow the COVID-19 protocols, such as norms of social distancing and use of masks etc



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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;
- v) That the applicant shall deposit a sum of Rs. 11,000/- in the students welfare fund of the school.

The application stands disposed of.

CMP No.5856 of 2022

The application is disposed of with a direction to the applicant/petitioner to file the English Translation of documents in issue, before the next date of hearing.

CMP No.5855 of 2022

Learned Additional Advocate General prays for time to find out that what is the distance of the school from the playground and whether the Principal of the school has given his no objection certificate for organizing the sports/cultural activities by the Sports Cultural and Welfare Association, Ghanahatti in Government Senior Secondary School, Ghanahatti, Shimla.

List on 23.05.2022.

(Mohammad Rafiq)
Chief Justice

Sandeep Sharma)
Judge

17th May, 2022
(shankar)