



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

**CMP Nos.11799 & 11827 of 2022 in
CWPIIL No.146 of 2017**

CMP No.11799 of 2022

29.08.2022 Present: Mr. Ashok Sharma, Advocate General, with Mr. Nand Lal Thakur, Additional Advocate General, for the applicant.

CMP No.11827 of 2022

Mr. Devender K. Sharma, Advocate, for the applicant.

Mr. Mr. Ashok Sharma, Advocate General, with Mr. Nand Lal Thakur, Additional Advocate General, for the respondents-State

CMP No.11799 of 2022

The application is filed by the Deputy Commissioner, Shimla for permission to organize function/programme to be held on 30.08.2022 on the playground of G.B. Pant Memorial Government College, Rampur. It is averred in the application that the State Government is celebrating 75th year of formation of Himachal Pradesh. In paragraphs 3 to 6 of the application, it is averred as follows:-

“3. That it is humbly submitted that the above function is in the larger public interest and in the said programme, the State Govt. shall highlight the journey of progress in terms of economy, socio cultural context and different political and developmental paradigms achieved in this period. The programme entails holding of beneficiary interaction and awareness as well as learning so as to developmental and policy contexts as existing at the beginning and at present.



4. *That the programme includes showcasing of stalls highlighting new products of different department for public and improving upon the same, it entails congregation of women groups for their mobilization and empowerment. Further, it is also includes interaction with government at the highest level for effective and efficient delivery of services and information. Moreover the college students are also participating in this programme in persuade to their knowledge about development of country and their knowledge towards the independence.*

5. *That in the said programme, the congregation pertains to nearly 5000 beneficiaries and there is no other suitable place at Rampur Bushahr to organize this function, it is humbly prayed that the permission to hold and organize above function/ programme may kindly be granted to the applicant/respondent.*

6. *That the Principal of Government Degree College Rampur vide his letter No. FDN-GC RMP-E(40)-04/2021 dated 23-08-2022 has intimated that he has no objection if the college ground is used on dated 30-08-2022 for the above mentioned purpose. The copy of letter No.EDN-GC-RMP-E(4))-04/2021-1684 dated 23.08.2022 is annexed as Annexure R/1.”*

2. The learned Advocate General has placed on record a copy of letter dated 29th August, 2022, addressed by the Sub-Divisional Officer, Rampur Bushahr, District Shimla, H.P., which states that the distance of the venue from different Education Block of the P.G. College Rampur Bushahr is



approximately 150 Meters, where the programme is scheduled to be held and German Hanger closed on all sides is to be installed so that the sound would not passover from the venue area and sound limiter will be fitted.

3. Considering the facts and circumstances of the case and particularly since it is submitted that the function would be on 30.08.2022, only for 3 hours i.e.11.30 a.m. onwards, we allow the application, subject to the following conditions:-

(i) That no damage shall be caused to the property of the college and its playground, where the event is proposed to be organized.

(ii) That after the event is over, the playground shall be handed over to the Principal of the college 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 event.

(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 college concerned.



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4. The application to stand disposed of.

CMP No.11827 of 2022

List on **1st September, 2022.**

**(A.A. Sayed)
Chief Justice**

**(Jyotsna Rewal Dua)
Judge**

August 29, 2022
(vt)