



Court on its own motion Vs. State of H.P. & others

CMP No. 13311 of 2022
in CWPIIL No. 146 of 2017.

CMP No. 13311 of 2022

20.09.2022 Present: Court on its own motion.

Mr. Adarsh K. Sharma, Additional Advocate General, for the applicant.

This application is filed by the State of Himachal Pradesh seeking permission to organize “75th Pragati Sheel Himachal Sathapna Diwas”, in the playground of Government Degree College Nerwa, Distt. Shimla, on 21.09.2022

2. In the application, it is contended that the State Government has proposed to celebrate “75th Pragati Sheel Himachal Sathapna Diwas” in the playground of Government Degree College, Nerwa, Distt. Shimla on 21.09.2022. It is further averred that the Principal of the said College has issued ‘No Objection Certificate’ to use the playground of the College. It is further pointed out that the distance between the College building and the playground is about 1 to 1.5 kilometers from each other. It is further stated that the tent proposed to be installed for the celebration of the function will be sound proof and there will be no disturbance to the nearby residents, offices and educational institutions. It is contended that the sound level will not be above the prescribed decibels contained in the Noise Pollution Control Act and the sound would not pass over from the venue area and sound limiter will also be fitted.



3. We record the statement of the learned Additional Advocate General that the function will be conducted from 11.00 a.m. to 3.00 p.m.

4. In the facts and circumstances of the case, 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 school concerned.”*



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5. The application is allowed in the above terms
and to stand disposed of.

(A.A. Sayed)
Chief Justice

September 20, 2022
(*hemlata*)

(Jyotsna Rewal Dua)
Judge



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