



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

**CMP Nos.13463, 13464 and 13465 of
2022 in CWPII No.146 of 2017**

CMP Nos. 13463 & 13464 of 2022

28.09.2022 Present: Mr. Malay Kaushal, Advocate, for the applicants.
Mr. Adarsh K. Sharma, Additional Advocate General,
for the respondents-State.

CMP No.13465 of 2022

Mr. Deepak Kaushal, Advocate, for the applicant.
Mr. Adarsh K. Sharma, Additional Advocate General,
for the respondents-State.

CMP No.13464 of 2022

Allowed. The application to stand disposed of.

CMP No.13463 of 2022

2. This application is filed by Sh. Babu Ram, Chairman of Kisan Mela Samiti, Namhol, District Bilaspur, H.P. for permission to organize Pashu Mandi Evam Kisan Mela-2022 from 07.10.2022 to 09.10.2022 in Terrace Stadium, Govt. Senior Secondary School, Namhol, Sub-Tehsil Namhol, District Bilaspur, H.P. Learned counsel for the applicant states that in terms of the resolution, copy whereof is annexed as Annexure A-2, it has been resolved that in view of the ongoing disease (Lumpy Skin Disease) amongst the cattle, there will be no exhibition of cattle this year and only one pair of oxen will be brought on the opening of the fair for performing traditional Puja ceremony.

3. Learned Additional Advocate General has placed on



record a copy of letter of the Principal of the school, granting no objection, if such function is organized during holidays i.e. 08.09.2022 & 09.10.2022 and after school hours on 07.10.2022.

4. In the circumstances, while accepting the aforesaid statement of learned counsel for the applicant, we allow the application subject the following conditions:-

- (i) *That no damage shall be caused to the property of the school 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 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 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.*

5. The application to stand disposed.

CMP No.13465 of 2022

6. This application is filed by Sh. Prem Chand on behalf of Sri Ramleela Dussehra Committee, seeking permission to



organize Dussehra from 04.10.2022 to 07.10.2022 on the ground of Government Senior Secondary School Majra, Tehsil Paonta Sahib, District Sirmour, H.P.

7. Though the application seeks to organize the function from 04.10.2022 to 07.10.2022, learned counsel for the applicant states that as a matter of fact, the function would be organized only on 04.10.2022 and 05.10.2022. It is stated that on 04.10.2022, the function would commence from 3:00 p.m. after school hours and that 05.10.2022 is a holiday on account of Dussehra. Learned counsel for the applicant pointed out that similar permissions have been granted in the years 2018 and 2019.

8. Learned Additional Advocate General has placed on record a copy of communication 27.09.2022 of the Principal of the school, granting no objection. Learned Additional Advocate General states that there would be no objection if the function is organized in the remaining area of the school ground where Astro-turf work is in progress.

9. In the circumstances, accepting the statement of learned counsel for the applicant, we allow the application subject the following conditions: -

- (i) *That no damage shall be caused to the property of the school 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 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 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.*

10. The application to stand disposed.

(A.A. Sayed)
Chief Justice

(Jyotsna Rewal Dua)
Judge

September 28, 2022
R.Atal