

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Miscellaneous Jurisdiction Case No.4290 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 24346 of 2013**

- =====
1. The State of Bihar through the Secretary Art, Culture and Youth, Government of Bihar, Patna.
 2. The District Magistrate, Patna.
 3. The Senior Superintendent of Police, Patna.
 4. The Deputy Collector, Patna.
 5. The Sub-Divisional Officer, Patna City.
 6. The S. H. O. Chowk, Patna City.

.... Petitioner/s

Versus

1. Lalan Kumar, son of late Chandrika Rai, resident of Mohalla-Dira Par, Near Gandhi Sarovar, P.S. Chowk, Patna City, District-Patna.
2. The Commissioner, Patna Municipal Corporation.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Ajay, G. A.-5 with
Mr. Ashish Kumar Lal, A.C. to G.A.-5

For the Respondent no.1 : Mr. Santosh Kr. Singh, Advocate

For the Respondent no.2 : Mr. Prasoon Sinha, Advocate

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-12-2016

The State has sought an intervention of this Court to permit it to use Manoj Kamalia Stadium, Patna City, Patna (hereinafter referred to as 'the Stadium') for the purposes of crowd management at the time of *Prakashutsav* being celebrated in the city of Patna in the first week of January, 2017. The intervention is sought in view of an order passed by a Division Bench of this Court on 11th February, 2014



in CWJC No.24346 of 2013 (Lalan Kumar Vs. The State of Bihar & Ors.) that the Stadium is to retain its character as playground for citizens and that the District Magistrate shall ensure that the Stadium is restored to its status of a playground on account of any damage by use at Disneyland/Circus. It is pointed out that the State filed an interlocutory application in contempt petition filed in respect of the disobedience of the order. The said application was dismissed on 20th December, 2016 that in contempt jurisdiction, an order cannot be modified. The petitioner has alleged that more than one lakh people per day are expected to visit to participate in the grand occasion and that since the District Administration is expecting huge gathering and arrival of large number of devotees from abroad, therefore, sufficient area is required for crowd management and smooth celebration of *Prakashutsav*. It is also pointed out that if there is any damage to the Stadium, the District Magistrate will take needful action to make up for the loss and for its proper maintenance and up-gradation.

Learned counsel for the respondent no.1 has filed a counter affidavit pointing out apprehension that the said Stadium was intended to be used for Rawan Badh, which was declined by this Court on 25th September, 2014 in C.W.J.C. No. 1699 of 2014 (Patliputra Parishad Vs. The State of Bihar & Ors.), whereas the Akshyavat Rai Stadium was intended to be used for parking of vehicles, but this Court



on 27th July, 2015 in CWJC No.4460 of 2015 (Ravindra Prasad Singh Vs. The State of Bihar & Ors.) ordered that the Stadium ground shall not be utilized for parking and that immediate steps shall be taken to level the ground and make it fit for conducting of sports and other activities.

Mr. Ajay Kumar, learned counsel representing the State has pointed out that the Stadium is nearest to *Sri Takht Harmandir Ji Gurudwara, Patna Saheb, Patna City* and therefore, it is most suitable place for the crowd management in view of the fact that large number of people are expected to attend 350th birthday of *Sri Guru Govind Singh Maharaj*, which is being celebrated as *Prakashutsav*.

Since large number of devotees are likely to attend the Patna city on the occasion of 350th birthday of *Sri Guru Govind Singh Maharaj*, which is being celebrated as *Prakashutsav*, we deem it appropriate to allow the State to use the Stadium for the purpose of crowd management, but they shall not allow any vehicle to be parked inside the Stadium and restore the Stadium to its condition as it is before using the same for the crowd management.

We find that such use will not be detrimental to the citizens as the schools are closed till 6th of January, 2017. Still further, the two orders, which have been referred to by the learned counsel for the respondent no.1, the permission was sought by the societies or an



individual and not by the State. Apart from that, this order is being passed in the peculiar facts and circumstances on the request made by the State keeping in view to manage large number of devotees likely to visit during festivities.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	22.12.2016
Transmission Date	

