

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.648 of 2015

In

Miscellaneous Jurisdiction Case No. 2190 of 2014

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Lalan Kumar son of Late Chandrika Rai resident of Mohalla - Dira Par, near
Gandhi Sarovar, P.S. - Chowk, Patna City, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Mr. Vivek Kumar Singh, Secretary, Youth, Art & Culture, Govt. of Bihar, Patna
3. Mr. Abhay Kumar Singh, the District Magistrate, Patna.
4. Mr. Jitendra Rana, the Senior Superintendent of Police, Patna.
5. Mr. Avinash Kumar, Sr. Deputy Collector, Patna.
6. Mr. Kapil Ashok, Commissioner, Patna Municipal Corporation, Patna.
7. Mr. Koushal Kishore, Sub-Divisional Officer, Patna City.
8. Mr. Mritunjay Kumar, S.H.O. Chowk, Patna City.
9. Mr. S. Bharti, the Incharge , Manoj Kamalia Stadium, Patna.

.... Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Respondent/s : Mr. Ajay, GA5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

22 27-09-2018

The petitioner complains non-compliance of the order passed by the Bench in M.J.C.No. 2190 of 2014 in so far as it directs for improvement in the condition of the Manoj Kamalia Stadium, Patna.

We have heard learned counsel for the parties and have perused the records.

The public purpose for filing of the writ petition stands discussed in the order dated 11.2.2014 passed by a Co-



ordinate Bench on the Public Interest Litigation arising from C.W.J.C.No. 24346/2013 and runs as follows:

“ The present Public Interest Litigation reflects indeed a very sorry state of affairs in the capital city. Playgrounds already appear to have become non-existent much less do they ever appear to have formed part of urban planning in any area.

Manoj Kamalia Stadium was constructed in Mangal Talaab area by the Tourism Department in the year 2007. Rather than to encourage sports, inculcate interest in the outdoor, so important for personality development beyond class room studies, the respondents appear to have acted rather callously and negligently giving permission to activities such as Disneyland and Circum in the stadium premises.”

Primarily it is for the purpose of encouraging sports in the area and to inculcate interest therein as well as for personality development that indulgence was granted to the issue of public interest so raised and to direct the State in its concerned department as well as the District Magistrate, Patna to take necessary steps in this connection. While issuing such direction the Bench prohibited any social activity in the stadium except those connected with sports activities.

Complaining of disobedience of the directions that a



contempt application was earlier filed giving rise to MJC No. 2190/2014 and which was disposed of as under:

“ Heard learned Counsel for the petitioner and the opposite parties.

2. In the light of our order dated 16.01.2015, In-Charge, Manoj Kamaliya Stadium, Patna City is present and states that the stadium ground shall be levelled, Goal Post already available in the ground shall be repaired. Two Practice Tracks for playing Cricket shall also be provided in the ground for children up to 21 years residing in the locality.

3. Let the ground be made available for the children living in the locality to come to the ground and play either Cricket or Football or any other game in the ground between 3.30-5.30 P.M. During summer season, timing for permitting children to play in the ground be extended until 6.30 P.M. Besides, the In-charge shall also permit anyone to book the Stadium for any match. On days the Stadium is booked, none will come to practice or for playing in the ground. Levelling of the ground, repairing of Goal Post be completed within one month. Cricket Practicing Track be also provided within the same time. In case the ground requires any repair for holding match, one day prior thereto children will stop coming to the ground and the day may be utilized for repairing the ground. Besides the aforesaid provisions in the ground, the In-charge has undertaken to also provide two tables for Table Tennis as also a set of mat for



Tiquando in the two rooms outside the Stadium boundary-wall. By the side of the boundary-wall of the Stadium in between the boundary-wall and the gallery Skating Track shall also be provided within the same time.

4. In the light of the statement made by In-charge, Manoj Kamaliya Stadium, Patna City and the directions aforesaid, the contempt application is disposed of.”

Yet not satisfied with the exercise done by the opposite parties that the present contempt application was filed and which has run through different stages mainly because of the slowness in the steps taken by the State in developing the sports arena in question. The matter was heard on 04.05.2018 and adjourned to 29.06.2018 requiring the respondent to complete the left over work and when an affidavit is filed reporting installation of high mast lights for illuminating the stadium. There is no dispute that the condition in which Manoj Kamalia Stadium stood when the writ petition was filed, has undergone a sea change, even if, the steps were taken pursuant to the directions issued by this Court from time to time. The Stadium has been made available for sports activities exclusively prohibiting its use for any other activities as noted above. The petitioner represented through Mr. Santosh Kumar



Singh, does not dispute the steps taken in this regard except that high mast illuminating the stadium installed by the State, are not sufficient for night sport activities.

In our opinion the purpose of the writ petition was different and it was primarily for providing a place for the children and others to enjoy sports activities and not for its use for tournament purposes which discretion entirely lies with the State in the Youth Sports Department. In our opinion, as long as the stadium is kept sports friendly and is available to the sports loving people of the area, the petitioner cannot raise any grievance except if the upkeep of the stadium is again neglected and it is not kept in its proper form or is being used for purposes other than sports. In so far as illumination part is concerned, the sufficiency thereof would only become relevant if the State intends to use the stadium for night sports and which is not the purpose and object for which Public Interest Litigation was filed.

In view of the observations above, we do not find the necessity to keep the contempt application pending but before parting we would remind the authorities connected with the maintenance of the stadium, to keep the Manoj Kamaliya Stadium in its proper condition for its availability to sports



activities and sports loving people of the area.

We would accordingly direct the State in its department of 'Youth, Art and Culture', to take all necessary steps including constitution of a committee to ensure that the improved condition which Manoj Kamaliya Stadium has reached at present, even if, under the orders passed by this Court from time to time, should be maintained and any neglect by the concerned authority in the State Government responsible for its upkeep, in maintaining the Stadium or in misusing the same for purposes other than sports, would be treated as contempt.

With the observations and directions, we dispose of this contempt application.

Interlocutory application whatsoever stands disposed of.

The interim order passed in the matter stands vacated.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/ Surendra

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