

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4080 of 2018

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Vaishali District Badminton Association, Hajipur through its Secretary, Jai Prakash, S/o Mohan Prasad Ray, Resident of Dak Banglow Road, P.S. Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through its Divisional Commissioner, Tirhut Division, Muzaffarpur.
2. The Secretary, Art, Culture & Youth, Govt. of Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The Deputy Development Commissioner- Cum-CEO Zila Parishad, Vaishali at Hajipur.
5. The Superintendent of Police, Vaishali at Hajipur.
6. The Deputy Collector, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For Respondent No. 4 : Mr. Nandan Prasad Singh, Advocate
For the State : Mr. Tej Pratap Singh, A.C. to AAG-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-07-2018

This Public Interest Litigation has been filed ventilating a grievance that the Zila Parishad, Vaishali at Hajipur



is using an indoor stadium and part thereof for the purpose of conducting marriage functions and the stadium in question namely Basawan Singh Indoor Stadium built in the year 2000 at a cost of Rs. 40,51,400/- for various sporting activities is being used by letting out a portion of the stadium for marriage activities and other ceremonies to the citizen.

Inter alia contending that this is not permissible and inviting our attention to the judgment of the Supreme Court in the case of **Krishna Lal Gera Vs. State of Haryana (2011) 10 SCC 529** and various other judgments of Courts, it is argued that sporting complex and the stadium cannot be used for any other purpose not connected to sporting activities or any activities ancillary thereto.

Accordingly, seeking a mandamus to the respondents to prevent them from carrying out any activity in the stadium other than sporting activity or activities ancillary thereto, this writ petition has been filed.

On notice being issued, the Zila Parishad in question Respondent No. 4 has filed a counter affidavit and they tried to indicate that on the first floor of the building the community hall is being used for the purpose of marriage and other activities, the same does not disturb the functioning of the



indoor stadium and, therefore, it is permissible.

In our considered view, this contention of the Zila Parishad cannot be accepted. Once a sporting complex in the form of stadium has been constructed for the purpose of holding various sporting activities, each and every space inside the sporting complex has to be used only for sporting activities and activities ancillary thereto and for nothing else. Conducting of marriage ceremonies by the citizens of the area is not a sporting activity and the Zila Parishad cannot use the sports complex by permitting marriage ceremonies in the conference hall in the garb of generating revenue for the Zila Parishad. The purpose for which the sporting complex has been constructed is frustrated by use of the complex in a manner as has been done and, therefore, keeping in view the law as laid down by the Supreme Court in the cases discussed hereinabove, we have no hesitation in holding that this petition has to be allowed and the respondents restrained from conducting any activity in the sporting complex or any area annexed thereto for any purpose other than sporting activity.

Accordingly, we allow this petition and direct the District Magistrate and the Zila Parishad to ensure that in the complex in question only activities connected with sporting or



alike thereto are held and no activity as alleged in the petition
are permitted to be held in the sporting complex in question.

With the aforesaid, the writ petition stands allowed
and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.07.2018
Transmission Date	

