
(2014) 02 PAT CK 0044
In the Patna High Court
Case No : CWJC No. 24346 of 2013

Lalan Kumar

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 11-02-2014

Acts Referred:

Citation : (2014) 4 PLJR 486

Hon'ble Judges : Vikash Jain, J;Navin Sinha, J

Bench : Division Bench

Advocate : Santosh Kumar Singh, Advocate for the Appellant; Ajay, Advocate for the Respondent

Judgement

Navin Sinha, J.—Heard Counsel for the petitioner and the respondents. A counter affidavit is stated to have filed on behalf of the Respondent Nos. 1 and 2 today. We have requested the Counsel for the State to make available his copy for our perusal as the original was not on record. The office shall place it on record. The copy of the Counsel may be returned after retaining a photocopy of the same on record.

2. 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.

3. 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 classroom studies, the respondents appear to have acted rather callously and negligently giving permission to activities such as Disney Land and Circus in the stadium premises.

4. Commencing from today we completely prohibit any kind of social activity in the stadium premises except for sports of any kind unless specifically prohibited

by any law. The State Government is directed to ensure that the stadium at all times is well maintained and all necessary arrangements are made for making sports facilities available to citizens.

5. We restrain the Sub-Divisional Officer, Patna City from interfering in any manner whatsoever with the functioning and management of the stadium considering his past conduct. The stadium shall be under the direct control and supervision of the District Magistrate, Patna exclusively. The District Magistrate will remain answerable for any wrong use of the stadium. All orders of the District Magistrate with regard to the stadium must be in writing. The District Magistrate shall ensure that the stadium is restored to its status of a playground on account of any damage by use at Disney Land/Circus.

6. Since the order has been passed in a Public Interest Litigation on a matter as important as a playground for citizens, we leave it open for any aggrieved citizen to file an application for disobedience of our order.

7. In the circumstances we are of the considered opinion that the Committee constituted by the Tourism Department on 10.11.2013 has turned out to be completely ineffective if not detrimental to the interest of the State Government. The Public Interest Litigation stands disposed.