

(2015) 07 PAT CK 0125
In the Patna High Court
Case No : CWJC No. 11110 of 2015

Shambhu Sharan Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 29-07-2015

Acts Referred:

Citation : (2015) 3 PLJR 632

Hon'ble Judges : L. Narasimha Reddy, C.J;Anjana Mishra, J

Bench : Division Bench

Advocate : Shambhu Sharan Singh, for the Appellant; Anjani Kumar, Advocates for the Respondent

Judgement

L. Narasimha Reddy, C.J—Separate counter affidavits are filed by respondent No. 2 on the one hand, and respondent Nos. 3 to 6 on the other hand. Heard at length the arguments of the learned counsel for the petitioner and the learned Additional Advocate General. The District Magistrate, Patna, was also present and he addressed this Court on various aspects of the matter.

2. From the contents in the counter affidavits and the enclosed documents, it is clear that the Authorities of the Government are also convinced that it is no longer advisable to continue "Dharnas" at R"Block area of the two proposals made for shifting the place of "Dharna", one of it is a portion of the Gait Public Library, Gardanibagh. We outrightly reject the proposal, since the library cannot be subjected to chaos and disturbance. The other proposal is about the land, opposite to Gardanibagh Police Station. In the letter dated 2.2.2015, addressed by the Deputy Secretary, Urban Development and Housing Department, it is mentioned that in certain cases the open land can be utilized, and if there is excess crowd, the part of the Sanjay Gandhi Indoor Stadium can be utilized.

3. Another proposal made across the bar is that "Dharna" can be permitted by the side of Kargil Chowk abutting Gandhi Maidan in such a way that the demonstrators do not enter the Gandhi Maidan or disrupt the general traffic.

4. Fourth proposal is regarding the land that is being used as dumping area. However, the clearance of the garbage and the transfer of the land are likely to take some time. We, therefore, direct that--

(a) The demonstration of "Dharna" at R"Block shall stand prohibited forthwith.

(b) For a period of two months such "Dharna" shall be permitted at the place nearby Gardanibagh Police Station and, if necessary, in the part of the Stadium also.

(c) The Administration shall choose and fix a place for "Dharna" on permanent basis in such a way, that the general traffic is not affected.

(d) If any person conducts "Dharna" at any place contrary to the orders passed by this Court, it shall be treated as illegal, and necessary steps for initiating proceedings under the Contempt of Courts Act shall also be taken.

(e) When the permission is accorded for holding "Dharna", it shall be open to the concerned Authorities to indicate the route through which the procession should pass.

Post after two months.