

(2018) 07 PAT CK 0049

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 4080 Of 2018

Vaishali District Badminton Association

APPELLANT

Vs

State Of Bihar Through Its Divisional Commissioner And Ors

RESPONDENT

Date of Decision : 09-07-2018

Acts Referred:

Citation : (2018) 3 PLJR 454

Hon'ble Judges : Rajendra Menon, CJ;Rajeev Ranjan Prasad, J

Bench : Division Bench

Advocate : Santosh Kumar Singh, Nandan Prasad Singh, Tej Pratap Singh

Final Decision : Disposed Of/Allowed

Judgement

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.