

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.3735 of 2013

ORDER:

Heard.

Petitioners, who are stated to be the residents of Chapla Thanda, H/o.Uyyalavada Village, are objecting to the construction of Anganwadi Building in the premises of the primary School by alleging that if the said Anganwadi Building is allowed to be constructed, there will be no place to the students of primary School for play ground. Basing on the said objection, this court by order, dated 07-02-2013, while admitting the writ petition, granted interim suspension as prayed for. However, liberty is given to the respondents to identify another place for construction of Anganwadi Centre.

While the said interim order is in force, five third parties have filed implead application i.e., W.P.M.P.No.10507 of 2013 and the 4th respondent in the writ petition has filed vacation stay application i.e., W.V.M.P.No.960 of 2013.

The third parties stated that construction of Anganwadi Centre was already commenced and entire material is dumped on the site and there is no objection from any of the villagers. They also stated that they are natives of the same village and the entire village is supporting construction of Anganwadi Centre for common benefit of the village. It is also alleged that the School and the playground will not be affected by taking up the said construction.

Learned Government Pleader for Panchayat Raj, on behalf of respondents 1, 3, 5 and 6, has received instructions from the Mandal Parishad Development Officer, though no counter is filed. The copy of the instructions received is also examined and seen by the learned counsel for the petitioners.

The instructions specifically state that out of the land admeasuring 2000 sq. yards, a community hall was constructed in an

area about 200 sq. yards and the remaining land was vacant and fit for construction of offices for public utility. It is further stated that as per the report of the Assistant Engineer, P.R.Dornakal, there is a Government land admeasuring 795.5 sq. yards, in which the School building has three rooms in 59.5 sq. yards, kitchen shed constructed in 13.5 sq. yards, old school building constructed in 52.3 sq. yards and proposed Anganwadi building would be constructed in 42.25 sq. yards leaving 649.8 sq. yards for play ground.

In view of the said figures of actual land and construction available thereon, it is evident that even after constructing proposed Anganwadi building, about 650 sq. yards will be left to be used by School for play ground. Hence, the primary contention raised in this writ petition is clearly not substantiated in view of the fact that 650 sq. yards of land is still available for playground, even after constructing Anganwadi building. It also cannot be disputed, as Anganwadi centre is an amenity in which the entire village would be interested and will be definitely useful for them. Hence, the objection for construction of Anganwadi building on the ground that the playground of the School will not be available is factually found to be incorrect.

Accordingly, the writ petition is dismissed. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-02-2015

Prv

