

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 1 of 2018**

- Ishwardeen Chandra Son of Shri Ganpat Chandra, Aged About 60 Years R/o Village Marwahi, Post Marwahi, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Ministry of Housing And Environment, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.,
2. Chhattisgarh Housing Board, Through The Commissioner, Parivash Bhawan Naya Raipur, District : Raipur, Chhattisgarh
3. Executive Engineer, Housing Board Bilaspur, Division Bilaspur, Chhattisgarh.
4. The Collector, Bilaspur, Chhattisgarh.
5. The Sub Divisional Officer, Pendra Road, District : Bilaspur, Chhattisgarh
6. The Tahsildar, Marvahi, District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri P.K.C. Tiwari, Senior Advocate assisted by Shri Shashi Bhushan Tiwari, Advocate
For Respondents/State	:	Shri Y.S. Thakur, Additional Advocate General
For Respondent No.2	:	Shri Sanjay Patel, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per, Ajay Kumar Tripathi, Chief Justice****11.09.2018**

1. Heard counsel for the Petitioner and the counsel for the Respondents as well as perused the affidavit filed by the Collector in furtherance to the direction of this Court dated 08.01.2018.
2. From the affidavit of the Collector two significant paragraphs are reproduced hereinbelow :

“3. That, total of 5.640 Hectares, P.H. No.4 land is registered in the name of Scheduled Tribe Welfare Department, Government of Chhattisgarh. After allocation of 0.826 Hectares for construction of Government quarters, the Department would be left with 4.814 Hectares of land. Out of the remaining land, 0.207 Hectares is land for playground of the School and 0.393 Hectares is for school premises. Further there would be a playground near the Government quarters.

4. It is respectfully submitted that the Government quarters are being constructed after leaving ample space for playground of the students. The construction is about 100 meters away from the present School. Thus, it would also not disturb the school activities. A copy of report of Tahsildar, Marwahi dated 29.01.2018 is being filed herewith as ANNEXURE X-1. To further substantiate that there would be no obstruction of the activities of the students aerial photographs are hereby annexed as ANNEXURE X-2 collectively. Perusal of the photographs would demonstrate that there is an ample space for students close to the School building to be used as playground and further there is no construction close to the premises of the School.”

3. From the above statements made, it is significant to note that out of the total area of 5.640 Hectares only 0.826 Hectares have been used for Government quarters and rest of the land is still open and available for use of the school as playground etc. Besides the construction is good 100 meters away from the school building and facilities.
4. The object for which the construction is being made has to be harmonized with the object for which the land was donated for construction of school. Since the school and playground facilities as such are not really compromised, therefore, this PIL stands disposed off. There is no need to restrain the Respondent authorities for building Government quarters for the employees, in the identified land.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge