

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 58 of 2013**

- Prashant Joshi S/o Lt Shri K.C.Joshi Aged About 37 Years Advocate Enrolment No. 594/2001, Practising In District Court, Durg, R/o Apapura, Ward No. 31, Durg, PS Kotwali, Distt Durg, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Principal Secretary, Revenue And Calamity Management Department, Govt. of C.G. Secretariat, Mahanadi Bhawan, Secretariat, Naya Raipur, Distt Raipur, Chhattisgarh
2. Collector, Durg, District : Durg, Chhattisgarh
3. Supdt. of Police, District : Durg, Chhattisgarh
4. Executive Engineer Public Works Department, Sub Division No.1, Durg, District : Durg, Chhattisgarh
5. Deputy Inspector General of Police Police Head Quarters, Civil Lines, Raipur, District : Raipur, Chhattisgarh
6. Commissioner Municipal Corporation Durg, District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri V.G. Tamaskar, Advocate
For Respondents/State	:	Shri Y.S. Thakur, Addl. Adv. General
For Respondent/Corporation	:	Ms. Pushpa Dwivedi, Advocate appears on behalf of Shri A.S. Kachhawaha, 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****10.09.2018**

1. Heard counsel for the Petitioner, counsel for the Respondent-State as well as counsel for the Municipal Corporation of Durg.
2. The cause and concern which has been raised by the Petitioner in the present PIL has also been addressed to the District Magistrate, Durg in the application dated 05.05.2011, which is annexed as Annexure P/6. Similar representation has also been marked to the Municipal Commissioner, Durg.
3. Merely because certain piece and parcel of land was vacant and available and was not being used by the police authorities, this Court cannot give a

direction or mandamus that the facilities used by the people when the land was in disuse or under used would continue to be done so by the people of the area. However, identifying places which can be converted into playgrounds as well as parks for the benefit of the people cannot be questioned as such. There is obligation upon the authorities to make proper arrangements if the need for expansion of the police-line has ousted them from using the facility of the land in question.

4. The two authorities, therefore, are directed to do an exercise and do the needful especially since nothing has been said with regard to the need for providing playgrounds or parks for the benefit of the citizens of the area in Durg in their return. The return is confined to the justification for using the land which was not under use, but may be under occupation of the police authorities for almost a century.
5. The PIL stands disposed off in terms of the above observation.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge