

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2020 of 2017

1. Lions Club Raipur Education Society a Society Duly Registered Under The Societies Registrikaran Act, 1976 Bearing Registration No. 756, Jal Vihar Colony, Raipur, Chhattisgarh, Represented Through Smt. Sunita Tiwari, W/o Shri Yogesh Tiwari, Aged About 49 Years, Principal, Lions Club Raipur, Vidhyamandir, Jal Vihar Colony, Raipur, Chhattisgarh
2. Lions Club Raipur Vidya Mandir, An Educational Institution Run And Managed By Lions Club Education Society, Raipur, Jal Vihar Colony Raipur, Chhattisgarh, Represented Through Smt. Sunita Tiwari, W/o Shri Yogesh Tiwari, Aged About 49 Years, Principal, Lions Club Raipur, Vidhyamandir, Jal Vihar Colony, Raipur, Chhattisgarh
3. Smt. Sunita Tiwari W/o Shri Yogesh Tiwari, Aged About 49 Years Principal Lions Club Raipur Vidhyamandir, Jal Vihar Colony, Raipur, Civil And Revenue District Raipur, Chhattisgarh

---- Petitioners

Versus

1. The Municipal Corporation Raipur Through Its Commissioner, Municipal Corporation Raipur, Chhattisgarh
2. The Commissioner, Municipal Corporation, Raipur, Chhattisgarh
3. The Collector, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri B. P. Sharma, Advocate

For Respondent No's. 1 & 2 : Shri Pankaj Agrawal, Advocate

For Respondents/State : Shri R. S. Bhagel, Dy. A. G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/05/2019

Heard.

1. The present petition was filed to restrain the respondents from constructing a public toilet (sulabh sauchalya) adjacent to premises of the petitioners wherein they are running a school. It was stated that it

will create health hazard to the students community and besides it will spread infection as they will be exposed to polluted environment during their course of study. The respondents have filed the return stating that the public toilet has already been constructed and it is being used by the public, therefore, the public toilet which has already been opened and is being used can not be stopped and no further relief can be granted.

2. Perused the document, the photographs of the site have been produced. It shows that the school is just opposite to the construction made and if it is used as a public toilet, certainly the unhygienic condition may prevail in absence of cleanness. Further then if cleaning is not properly done the infection may further spread out with stinking smell too. This fact cannot also be ignored that school is just opposite the road wherein the public utility services is made. Therefore, the children may be vulnerable to the infection at a given point of time. Since the construction of toilet has already completed, at this stage this writ petition is disposed of with a direction that the Municipal Corporation shall ensure regular cleanliness of the toilets so that no infection can be spread out in the locality and in this regard the health officer or any officer of corporation may be deputed to inspect the toilet weekly and shall insure all cleanliness. Considering the fact the school is opposite to such public toilet the officer after inspection shall apprise of his inspection to the school in writing so that the check and balance can be carried out and the toilet can be kept in hygiene and clean condition.
3. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge