

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 115 of 2020**

- Kisan Vikas Samiti, Nagar Panchayat Bhatgaon, District Baloda Bazaar Bhatapara (C.G.) represented by Lakheshwar Prasad Rai, S/o Shri Madan Lal Rai, aged about 61 years, R/o Ward No. 2, Behind Zila Sahkari Bank, Bhatgaon, Post & P.S. Bhatgaon, Tehsil Bhilaigarh, District Baloda Bazaar Bhatapara (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: The Secretary, Department of School Education, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Revenue & Civil District Raipur (C.G.)
2. State of Chhattisgarh, Through: The Secretary, Department of Urban Administration & Development, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Revenue & Civil District Raipur (C.G.)
3. State of Chhattisgarh, Through: The Secretary, Department of Revenue & Disaster Management, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Revenue & Civil District Raipur (C.G.)
4. District Collector, Baloda Bazaar Bhatapara, Revenue & Civil District Baloda Bazaar Bhatapara (C.G.)
5. The Tehsildar, Tehsil Bhilaigarh Revenue & Civil District Baloda Bazaar Bhatapara (C.G.)
6. Municipal Council Bhatgaon Through: Chief Municipal Officer, District Baloda Bazaar Bhatapara (C.G.)
7. Sub Divisional Officer Bhilaigarh, District Baloda Bazaar Bhatapara (C.G.)
8. Prem Bhuvan Pratap Singh Government Higher Secondary School Bhatgaon, Through Its Principal, Tehsil Bhilaigarh, District Baloda Bazaar Bhatapara (C.G.)
9. District Education Officer, Baloda Bazaar Bhatapara, District Baloda Bazaar Bhatapara (C.G.)

---- Respondents

For Petitioner	:	Shri Surfaraj Khan, Advocate.
For Respondent/State	:	Shri Sudeep Agrawal, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board

Per P. R. Ramachandra Menon, Chief Justice

23.11.2020

1. The writ petition styled as a 'Public Interest Litigation' has been filed before this Court. Projecting the grievance mainly with regard to the alleged steps being taken by the Respondents to alter the existing playground of Prem Bhuvan Pratap Singh Government Higher Secondary School Bhatgaon for constructing a Shopping Complex. The learned counsel for the Petitioner submits that several representations have been filed before the Competent Authority, but it has not yielded any positive result and hence the writ petition.
2. Shri Sudeep Agrawal, the learned Deputy Advocate General submits that the idea and understanding of the Petitioner is thoroughly wrong and misconceived. It is pointed out that not even an inch of land belonging to the school is being taken for the purpose of construction of Shopping Complex and that the alleged construction is in the property lying nearby, which is exclusively owned by the State Government as disclosed from Annexure P/3. The learned counsel also submits that, disputed questions of facts are involved and hence the power of this Court under Article 226 of the Constitution of India might not be invoked for granting the relief sought for.
3. The learned counsel for the Petitioner points that the Annexure P/4 representation preferred before the 4th Respondent is not acted upon and it might be directed to be finalized within a time frame. In the said circumstance, we do not find it necessary to go into the merits of the case. Annexure P/4 stated as pending consideration before the 4th

Respondent is directed to be disposed off in accordance with law; after affording an opportunity of hearing to the Petitioner to other interested parties including the School authorities, as expeditiously as possible, at any rate, within '2 months' from the date of receipt of a copy of this judgment.

4. The Petitioner is required to produce a copy of the judgment alongwith a copy of the writ petition with Annexures before 4th Respondent for further steps.
5. The writ petition stands disposed off.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge