

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13976 of 2022

Old Student Association (ALUMNI), ***Petitioner***
Shailabala Women's Autonomous
College, Cuttack

Ms. Sujata Jena, Advocate

-versus-

State of Odisha and others ***....*** ***Opposite Parties***
Mr. Debakanta Mohanty, AGA

CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK

ORDER
19.07.2022

Order No.

04. 1. The apprehension expressed in this petition by the Petitioner, which is an Old Students' Association of the Shailabala Women's Autonomous College, Cuttack, is that one portion of the playground of the College is being utilized for the Chandi Mandir Beautification Project (CMBP) and that this is likely to adversely affect the students of the College by depriving them of the facility of the playground.
2. This Court had by its order dated 2nd June, 2022 required the Collector, Cuttack to file a detailed affidavit on two aspects:
- (i) Whether in order to materialize the CMBP, any land of the College is likely to be utilized? and
- (ii) If so, what provision has been made for giving suitable land/facility to the College in lieu of such land likely to be utilized

for the project keeping in view the interest of the College and the students?

3. Pursuant to the above order, on 13th July 2022, the Collector, Cuttack has filed a detailed affidavit, a copy of which was provided to learned counsel for the Petitioner on the same day.

4. In answer to Question (i), it has been stated that the playground of the College is partly covered by Plot No.45 under Rakhit Khata No.674, which is a Government land. The copy of the Record of Rights (RoR) has been enclosed as Annexure A/4. The total area of the Government Plot is. Ac.3.450 decimal. In Annexure C/4, which is a sketch map, it is indicated that out of this Government Plot No.45, an area of only Ac.0.557 decimal out of the total area of said plot is being used for “shifting of the public road” so as to create space for parking for the devotees visiting the Chandi Temple. In other words, this portion of the land is being used only for expansion of the road.

5. As regards the Question (ii), it is stated that to compensate for the above extent of land of the playground, it has been decided that Plot No. 45 where the existing playground is located will be merged with the adjoining Plot No.47 of an area of Ac.1.871 decimal. Thus, the area of the playground of the College will increase from 3900 sq.m to 4800 sq. m.

6. Further, it is stated that a Project Implementation Committee has been constituted, which includes invitee members from the College. The said Committee held its meeting on 17th June, 2022 and the

minutes of the meeting has been enclosed as Annexure-F/4. Among the proposals made at the meeting include renovation and development work of the College in two phases. Rs.6.35 crores approximately is the budget for the works in the first phase and Rs.80 lakhs approximately is the budget for the works in the second phase. It is also proposed that the land admeasuring Ac.5.000 decimal will be given to the College out of the reclaimed land at Hadia Patha near the Mata Matha square, which is within the CMC area at a distance of 2 to 3 kilometers distance from the College premises for a playground.

7. The net result is apart from the area of the existing playground increasing to 4,800 square meters, an additional 5 acres for a playground is proposed to be given at a distance of 2 to 3 kilometers from the College.

8. Ms. Sujata Jena, learned counsel for the Petitioner insisted that the questions raised in the present petition about the secular nature of the College being affected and there being infringement of Articles 15, 16, 26, 29 and Articles 46 to 49 of the Constitution have not been answered by the Opposite Parties. The Court notes that in the previous order this Court had specifically asked the Collector to address two queries and that has been done.

9. It appears to the Court that the perceived infringement of the above provisions of the Constitution is not warranted particularly since no part of the land in which the College is functioning is proposed to be used for any religious purpose as such. A portion of the playground to the extent of Ac 0.557 dec is proposed to be

being used for the limited purpose of expansion of a public road. Further, as already noted, apart from the area of the existing playground increasing, there is proposal to provide additional land for a playground at a location within 2 to 3 km of the college.

10. Consequently, the Court finds the apprehensions expressed in this petition to be unfounded. The petition is accordingly dismissed.

11. Issue urgent certified copy of this order as per rules.

M. Panda

