

29.02.2024
Item No.05
RP
Ct. No.1

WPA(P) 33 of 2024
Md. Ekbal Hossain & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Ashraful Huq
Mr. Sayantan Hazra
Mr. Kiron Sk.
Mr. Asif Mehdi
.....for the Petitioners
Mr. Kishore Dutta, Ld. AG
Mr. Sk. Md. Galib
Mr. Abu Siddique Mallik
.....for State

1. By filing this public interest litigation the petitioners, who are interested in protecting the playground which are being used by the students of Akhirganj Gram Panchayat, had opposed the construction of an Integrated English Medium School in the land. It was pointed out that the concerned Panchayat has spent public funds for construction of a stadium in such playground which is being used by the students of Akhirganj Gram Panchayat. On 22.2.2024 the Court made certain suggestions to the learned government counsel and directed specific instructions to be obtained. Pursuant thereto a report has been submitted by the District Magistrate, Murshidabad and the penultimate portion of the report dated 28th February, 2024 is as follows.

“According to the sketch map, the length of the proposed school building is 60.5 mtr and breadth is 22 mtr. After using the land for construction of the

school building, an area of 53 mtr X 45.97 mtr will be left vacant which can be used as common play ground of both Akhriganj High School and the Proposed Integrated English Medium School.”

2. Considering the fact that construction of an Integrated English Medium School is also required for the children in the area and balancing the interest of both the parties by providing sufficient spaces to be used as play ground by the students of Akhriganj High School as well as by the students, who will be admitted in the proposed English Medium School, the suggestions , which were made, are well taken care of in the report submitted by the District Magistrate. The State respondent would dispute as regard construction of the stadium. However, the learned advocate for the petitioner submitted that in the year 2018 there was a proposal for construction of a stadium by the Gram Panchayat has been put in place.
3. Be that as it may, since after construction of the proposed Integrated English Medium School, an area of 53 mtr. X45.97 mtr will be left vacant which can be used as a common play ground for the students of both the schools, we are of the view that no further direction is required in this writ petition except observing that the District Magistrate, Murshidabad shall ensure proper compliance of what had been stated in the report dated 28.02.2024 and permit the

students of both the schools to use the land as common play ground.

4. With the above observation, this writ petition is disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)