

## Ishwardeen Chandra Vs State Of Chhattisgarh And Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** Sept. 11, 2018

**Hon'ble Judges:** Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

**Bench:** Division Bench

**Advocate:** P.K.C. Tiwari, Shashi Bhushan Tiwari, Y.S. Thakur, Sanjay Patel

**Final Decision:** Disposed Of

### Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the Petitioner and the counsel for the Respondents as well as perused the affidavit filed by the Collector in furtherance to the

direction of this Court dated 08.01.2018.

2. From the affidavit of the Collector two significant paragraphs are reproduced hereinbelow :

3. That, total of 5.640 Hectares, P.H. No.4 land is registered in the name of Scheduled Tribe Welfare Department, Government of Chhattisgarh.

After allocation of 0.826 Hectares for construction of Government quarters, the Department would be left with 4.814 Hectares of land. Out of the

remaining land, 0.207 Hectares is land for playground of the School and 0.393 Hectares is for school premises. Further there would be a playground

near the Government quarters.

4. It is respectfully submitted that the Government quarters are being constructed after leaving ample space for playground of the students. The

construction is about 100 meters away from the present School. Thus, it would also not disturb the school activities. A copy of report of Tahsildar,

Marwahi dated 29.01.2018 is being filed herewith as ANNEXURE X-1. To further substantiate that there would be no obstruction of the activities of

the students aerial photographs are hereby annexed as ANNEXURE X-2 collectively. Perusal of the photographs would demonstrate that there is an

ample space for students close to the School building to be used as playground and further there is no construction close to the premises of the

School.

3. From the above statements made, it is significant to note that out of the total area of 5.640 Hectares only 0.826 Hectares have been used for

Government quarters and rest of the land is still open and available for use of the school as playground etc. Besides the construction is good 100

meters away from the school building and facilities.

4. The object for which the construction is being made has to be harmonized with the object for which the land was donated for construction of

school. Since the school and playground facilities as such are not really compromised, therefore, this PIL stands disposed off. There is no need to

restrain the Respondent authorities for building Government quarters for the employees, in the identified land.