

(2012) 08 SHI CK 0093
In the High Court Of Himachal Pradesh
Case No : CWP No. 4347 of 2012-E

Sher Singh

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 SHI CK 0093

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Suneet Goel, for the Appellant; R.K. Bawa, Advocate General with Mr. Ankush Dass Sood, Additional Advocate General, for the Respondent

Judgement

Justice Dharam Chand Chaudhary, J.—By means of the present writ petition following relief has been sought:

- a). To immediately direct the respondents to provide rooms which were constructed for housing and running the Government Primary School, Mool Koti.
- c). To issue directions to respondents to dismantle the building of the Government Primary School, Mool Koti, Block Mashobra, District Shimla, constructed in the year 1935 and to immediately carry out the necessary repairs to the building presently housing the Government Primary School, Mool Koti which was constructed in the year 2010.

The Government Primary School, Mool Koti, was being run in the building, which was constructed by erstwhile Ruler of Koti Estate, in the year 1935. The same having lived its life and being in dilapidated condition, was declared unsafe by the Public Works Department in the month of December, 2011 as is evident from the certificate Annexure P10. The Centre Head Teacher, Government Central Primary School, Mool Koti, the Local Gram Panchayat and also the School Management Committee have vigorously pursued the matter by way of protracted correspondence and also resolution with the authority(s) concerned for construction of new building after demolition of the old one already declared

unsafe, but of no avail.

2. The 2nd respondent pursuant to the directions of this Court has filed reply to the writ petition. The stand of the respondents in this matter as has come on record by way of preliminary submissions reads as follows:

1. That the petitioner while filing present petition has sought the precise relief to the extent that respondents may be directed to provide rooms which were constructed for housing and running the Govt. Primary School, Mool Koti and to dismantle the building of the Govt. Primary School, Mool Koti under Mashobra Block constructed in the year 1935 and immediate carry out the necessary repair to the building presently housing the Govt. Primary School, Mool Koti which was constructed in the years 2010.

2. That in this behalf it is respectfully submitted that as per information received from the respondent No.3 the building known as Government Primary School Mool Koti which was constructed by the erstwhile Ruler of Koti Estate in the year 1935 has already been declared unsafe by the HPPWD authority in the month of December, 2011. The process to dismantle the building is in under process and the S.D.O. PWD, Shimla Division has been requested to prepare the survey report immediately which is yet to be prepared.

3. That it is submitted that presently the Government Primary School Mool Koti is being run in CRC Bhawan the accommodation in the CRC Bhawan is one hall and one side room, there is no chance of leakage in the rooms because room is constructed as RCC. It is further submitted that the CRC Bhawan is in the possession of Education Department. The kitchen work is being carried out in the attached store room.

3. From the reply to the writ petition, it is seen that SDO, HPPWD, Sub Division No.1, Shimla has already been asked to dismantle the old building of the School, declared unsafe and submit survey report to the respondents enabling them to take further steps for raising construction of new building there. The old building, however, has not yet been dismantled and the survey report from the S.D.O., HPPWD is also awaited. As regards the further case of the petitioner that CRC Bhawan, in which the Primary School, Mool Koti has presently been housed being also unsafe hence two rooms in the building of High School, Mool Koti constructed for the Primary School, may be ordered to be handed over to the School Management for housing the Primary School therein temporarily till the new building is constructed, the respondents have come forward with the version that the CRC Bhawan is of RCC structure consisting of one hall and one side room. There is one store also which is being used as kitchen for preparing mid-day meal to the children. There is no leakage either in the hall or in the room.

4. In the light of the facts so come on record and the nature of the order we propose to pass, it is not necessary for us to go into the merits of the case and a direction to SDO, HPPWD Sub-Division No.1, Shimla to dismantle the old school building and prepare the survey report in a time bound manner and further

direction to 2nd and 3rd respondents to take steps for raising construction of new building for housing the School in question, in a time bound manner, would serve the ends of justice.

5. Consequently, there shall be a direction to the S.D.O., HPPWD, Sub-Division No.1, Shimla to demolish the old School building, which has already been declared unsafe within a period of one month from today and prepare a survey report immediately thereafter and handover the same within one week thereafter to the 3rd respondent. There shall also be a direction to the 2nd and 3rd respondents to take necessary steps as required for raising construction of new School building and ensure that the construction thereof is completed within six months from the date of demolition of the old building and receipt of the survey report. With these observations, the writ petition is disposed of, so also the pending application(s), if any.

Authenticated copy to learned Additional Advocate General for compliance.