

Nandini Sundar v. Chattisgarh, Supreme Court of India, 2011

So far as the school buildings, educational institutions and hostels occupied by the security forces in the State of Chhattisgarh is concerned, it is stated that effective steps are being taken for vacating those buildings and the process had already begun. There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today. There shall be an order accordingly.

Nandini Sundar and others v. The State of Chattisgarh, W.P. (Civil) No. 250 of 2007, Supreme Court of India, order of January 18, 2011.

It is necessary to note here that this Court had to intercede and order the Government of Chattisgarh to get the security forces to vacate the schools and hostels that they had occupied; and even after such orders, many schools and hostels still remain in the possession and occupancy of the security forces. Such is the degree of degeneration of life, and society. Facts speak for themselves...

(i) the issue of schools and hostels in various districts of Chattisgarh being occupied by various security forces, in a manner that precludes the proper education of students of such schools...

With respect to the issue of the schools and hostels occupied by the security forces, it may be noted that the State of Chattisgarh had categorically denied that any schools, hospitals, ashrams and anganwadis were continuing to be occupied by security forces, and in fact all such facilities had been vacated. However, during the course of the hearings before this bench it has turned out that the facts asserted in the earlier affidavit were erroneous, and that in fact a large number of schools had continued to be occupied by security forces. It was only upon the intervention, and directions, of this Court did the State of Chattisgarh begin the process of releasing the schools and hostels from the occupation by the security forces. That process is, in fact, still on going. We express our reservations at the manner in which the State of Chattisgarh has conducted itself in the instant proceedings before us. It was because of the earlier submissions made to this Court that schools, hospitals, ashrams and anganwadis have already been vacated, this Court had passed earlier orders with respect to other aspects of the recommendations of the NHRC, and did not address itself to the issue of occupancy by security forces of such infrastructure and public facilities that are necessary and vital for public welfare. A separate affidavit has been

filed by the State of Chattisgarh seeking an extension of time to comply with the directions of this Court. This is because a large number of schools and hostels still continue to be occupied by the security forces. We will deal with the said matter separately.

Nandini Sundar and others v. The State of Chattisgarh, W.P. (Civil) No. 250 of 2007, Supreme Court of India, judgment of July 5, 2011.

A second interlocutory application ... has also been filed on behalf of the State of Chhattisgarh, for extension of time to vacate the school buildings, educational institutions and hostels, occupied by the security forces in Chhattisgarh.

Upon hearing learned counsel for the respective parties, we also allow the same. The State of Chhattisgarh is given a further period of two months to vacate the said premises. While extending the period, we also make it clear that no further extension of time should be prayed for on behalf of the State of Chhattisgarh for the aforesaid purpose.

Nandini Sundar and others v. The State of Chattisgarh, W.P. (Civil) No. 250 of 2007, Supreme Court of India, order of November 18, 2011.