

SUPREME COURT OF INDIA

Orissa State Housing Board

Vs.

Indira English Medium School & Ors.

C.A.No.4413 of 2016

(Kurian Joseph and R.F.Nariman,JJ.,)

25.04.2016

JUDGEMENT

Kurian Joseph, J.

SLP(Civil)No.4780 of 2014

1. Leave granted.
2. Heard the learned counsel appearing for the parties.
3. The Orissa State Housing Board is before this Court, aggrieved by the Judgment dated 01.10.2013 in Writ Petition (C) No. 14973 of 2012. The High Court has directed the Housing Board to allot an extent of 1.55 acres of land to the respondent-School Management.
4. During the pendency of these appeals before us, we had asked the State of Orissa to ascertain whether the State would be in a position to allot an alternate site for the school. Mr. P. N. Mishra, learned senior counsel appearing for the State of Orissa, on instruction, has submitted that the State is in a position to identify an alternate land for the purpose of allotment to the school. He has further submitted that the alternate land, now pointed out by the State in consultation with the Orissa State Housing Board, can be allotted to the respondent-School Management in case the school management is in a position to produce the affiliation from an appropriate authority.
5. In that view of the matter, it is not necessary to consider these appeals on merits. These are, accordingly, disposed of with the following directions :-

“(i) The respondent-School Management may make a formal application to the State of Orissa within a period of one month from today for allotment of the identified land for the purpose of establishing the school.

(ii) During the processing of the application, the respondent shall also produce the affiliation from the appropriate authority.

(iii) On production of the order of affiliation, the State of Orissa shall complete process on the application and do the needful for the grant of allotment.”

6. Needless to say that the extent of land to be allotted to the school will not be, in any case, less than 1.55 acres.

7. We make it clear that it will be open to the respondent-School Management to apply for affiliation by attaching a copy of this Judgment for the purposes of and in the matter of the land requirement.

8. With the above observations and directions, the impugned Judgment is set aside and these appeals are disposed of with no order as to costs.