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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 98 of 2026

Asha Devi English Medium School Through- Its Director Dau Ram Yadav S/o
Late Manharan Yadav Aged About 50 Years Office At Dargaon Tehsil Dhamdha
District- Durg Chhattisgarh,

... Petitioner

versus

- 1 - State Of Chhattisgarh Through Secretary School, Education Department
Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District- Raipur
Chhattisgarh,**
- 2 - Directorate Of Public Instruction Office At New Raipur, District- Raipur,
Chhattisgarh,**
- 3 - Collector Durg District- Durg Chhattisgarh,**
- 4 - District Education Officer Durg District- Durg Chhattisgarh,**
- 5 - Block Education Officer Dhamdha, District- Durg Chhattisgarh,**
- 6 - Sub Divisional Officer (Revenue) Dhamdha District- Durg Chhattisgarh**
- 7 - Tahsildar Dhamdha District- Durg Chhattisgarh,**
- 8 - Gram Panchayat Dargaon Through- Sarpanch Office At Village Dargaon
Dhamdha, District- Durg Chhattisgarh**

... Respondents

Order Sheet

27/01/2026	Mr. Praveen Dhurandhar, Adv. for the petitioner. Mr. Anadi Sharma, Panel Lawyer, for the respondents No. 1 to 7. Heard. Issue notice to the respondents. State counsel accepts notice on behalf of respondents No. 1 to 7, hence issuance of notice to them is dispensed with. Process fee be paid only for respondent No. 8. Also heard on I.A. No. 1/2026, application for grant of interim relief. Issue notice as above. In compliance of the query put-forth by this Court on 12-1-2026, learned counsel for the petitioner would submit that as per Section 237 of the CG Land Revenue Code, 1959 and Chapter 4 Part III of Revenue Book Circular, the State government may exchange government land against a private land. Learned counsel for the petitioner would submit that,

	petitioner's English Medium school is being run on 1728 sq. meter of land of Khasra No. 1674, which is a government land situated at village Dargaon, Tehsil Dhamdha, District Durg and affiliation of aforesaid school has been granted by the respondent No. 4 vide Annexure P-3 from 1-4-2024 to 31-3-2027 and total 121 children are studying in aforesaid school from Class Nursery to Class 8th. He further submits that, application Annexure P-4 has been made by the petitioner Dauram Yadav, who is Director of the said school to the Collector, Durg for exchange of said land, in which school is being run, from the land owned by him, to which Revenue case No. 202410101100031 year 2024-2025 has been registered on 17-10-2024, but without deciding aforesaid application, the Tehsildar, Dhamdha has passed dispossession warrant (Annexure P-5) against the petitioner to vacate the aforesaid land within 7 days and in pursuance of that order, the District Education Officer, Durg/respondent No. 4 has imposed fine of Rs. 50,000/- vide order dated 5-12-2025, which was enhanced to Rs. 1,00,000/- vide order dated 12-12-2025. The respondent No. 4 has also made recommendation vide memo dated 12-12-2025 to the Director, Directorate of Public Education, Naya Raipur,
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District Raipur (CG) for cancellation of affiliation of petitioner's school. Learned counsel for the petitioner further submits that, if affiliation of the school is cancelled, then educational career of the students studying in the school may be adversely affected. Hence, he prays that, effect and operation of communication dated 5-12-2025, 12-12-2025 and 12-12-2025 may be stayed.

Learned counsel appearing for the State would submit that, though there is private land of the petitioner for running school, but the school is being run on government land without getting any permission from the State authorities. Hence, stay may not be granted. However, he prays for time to file return/reply to the main petition as well as I.A. No. 1/2026.

Two weeks' time is granted to the respondents No. 1 to 7 to file return/reply affidavit.

Having considered the current academic session, in which, the month of January is underway, examination of children is to be held shortly, further the application Annexure P-4 filed by the petitioner for exchange of land is still pending and without deciding the same, order of eviction of land has been passed and also penalty against the petitioner has

Pathak	been imposed by respondent No. 4, which itself is under the teeth of Section 18(5) of the Right to Education Act, 2009, as affiliation of the school has not been cancelled yet, therefore, it is directed that effect and operation of communication dated 5-12-2025, 12-12-2025 and 12-12-2025 (Annexure P-1) made by the respondent No. 4 is stayed till the next date of hearing. List the case on 16-2-2026. Sd/- (Naresh Kumar Chandravanshi) Judge
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