

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 19102 of 2019

(VISHVAJEET RATONIYA Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 29-01-2025

Shri Yash Sharma - Advocate for the petitioner.

Shri Vivek Khedkar - Additional Advocate General for the respondents No.2 and 3/State.

Shri Deepak Khot - Advocate for respondent No.1 and 4/Municipal Corporation Gwalior and Gwalior Smart City Development Limited.

Shri Praveen Newaskar - Deputy Solicitor General for the respondent No.6/ Central Water Commission through Video Conferencing.

Shri K.N.Gupta - Senior Advocate : Amicus Curiae.

Shri Avdhesh Singh Tomar - Advocate for the intervener.

Shri S.K. Verma, Chief Engineer & Shri Agnivesh Singh, Executive Engineer, WRD, Gwalior are present in person.

Today, status report is filed by respondents/Municipal Corporation, Gwalior.

Shri Deepak Khot, learned counsel for respondents/Municipal Corporation, Gwalior informs this Court that putting up of iron mesh is in progress across *Swarn Rekha River* where chances of mixing of filth/wastes in river bed is more.

It is expected that respondents shall ensure suitable mechanism so that people may not through filth/wastes in river bed because once sewage line is constructed and fresh water from *Veerpur Bandh/Hanuman Bandh* starts

pouring in, then *Swarn Rekha River* would be revived and such filth/waste ought not to come in way of cleanliness.

Shri Deepak Khot, learned counsel for respondents/Municipal Corporation, Gwalior further informs this Court that *vide* letter dated 30/01/2025, Commissioner, Municipal Corporation, Gwalior informed Engineer-in-Chief, Urban Administration and Development at Bhopal to place matter for approval of DPR amounting Rs.810.67/- crores before State Level Technical Committee so that once it is approved, construction and laying of sewage line would be started.

From the discussion, it appears that Municipal Corporation, Gwalior and State Government are not in sync; therefore, documents placed by Municipal Corporation, Gwalior are not available with the Government Counsel. As repeatedly referred by this Court that this Public Interest Litigation is not an adversarial litigation and all parties have to share a common platform, therefore, this Court is of the view that Municipal Corporation Gwalior, State Government, its different departments and Central Government shall have to synchronise their working in respect of present case. Once any order is passed, then it would be mandatory for respondents to hold a meeting immediately within three-four days for preparing a road-map for compliance of Court order so passed and would ensure that before 2-3 days of listing of case, a meeting shall be reconvened to get the status of compliance. This way all departments shall share common platform and would meaningfully assist this Court in this PIL.

List this case for further orders on 18/02/2025.

Meanwhile, respondents shall convene meetings as directed by this Court and informs this Court about proposed road-map for laying down of sewage line. This is a public cause, therefore, State Government shall rise to the occasion and would not cause any undue delay in considering disbursement of funds. If required, Central Government shall also cooperate in this regard under *Namami Gange Project* and/or any other project/scheme for which State Government shall file necessary documents and application, if required.

Officers who are present in person today shall also remain personally present before this Court on the next date of hearing i.e. on 18/02/2025 along with Commissioner, Municipal Corporation, Gwalior for furnishing the necessary details and compliance undertaken so far.

(ANAND PATHAK)
JUDGE

(HIRDESH)
JUDGE

(Dubey)