



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 8th OF JANUARY, 2025

WRIT PETITION No. 6276 of 2024

SHRI JITENDRASINGH MANDLOI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Kirti Saboo, learned counsel for the petitioner.

Shri Bhuwan Gautam, learned Government Advocate for the respondents / State.

Shri Prasanna R. Bhatnagar, learned counsel for respondents No.8 & 9.

O R D E R

Per : Justice Vivek Rusia

The petitioner has filed the present petition under Article 226 of the Constitution of India in the nature of Public Interest Litigation (PIL) challenging the construction of shopping complex at Gram Panchayat – Chanwasa, Jila Panchayat – Mandsaur.

02. The facts of the case are that the petitioner is an Ex-Sarpanch and except this he has not disclosed his antecedents to invoke the jurisdiction of this Court as *pro bono* litigant. According to the petitioner, within the territory of Gram Panchayat – Chandwasa, there was a Government Girls School building, which was very old as same constructed during existence of the Holkar State. The Gram Panchayat



illegally passed a resolution for demolition of the said school and construction of new shopping complex on the same land on 08.02.2024 and 04.03.2023 which are filed as Annexures-P/3 & P/4.

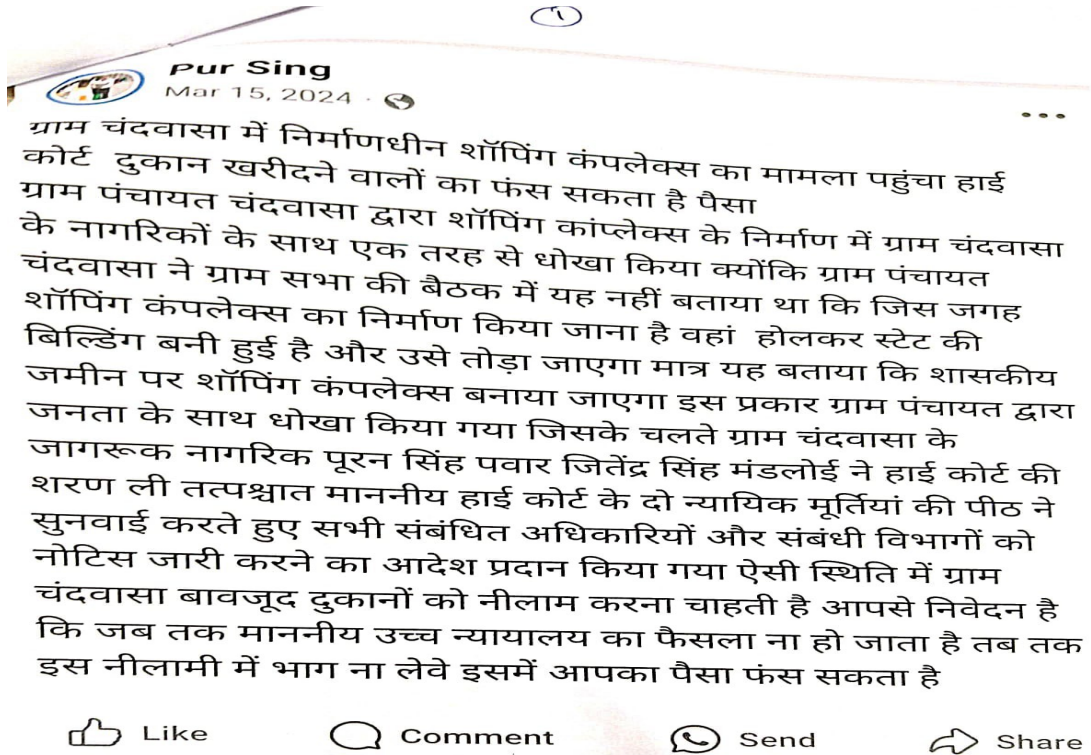
03. According to the petitioner, the procedure prescribed under Section 65 of the Madhya Pradesh Raj Evam Gram Swaraj Adhiniyam, 1993 has not been followed. Apart from petitioner, one Pur Singh being a Journalist has filed a civil suit before the Civil Judge, Junior Division, Garoth seeking injunction against the demolition of the Girls School which is still pending. According to the petitioner, before raising construction of the shopping complex, no permission from Collector has been obtained by following the provisions of Madhya Pradesh Gram Sabha (Sammilan Ki Prakriya) Niyam, 2001.

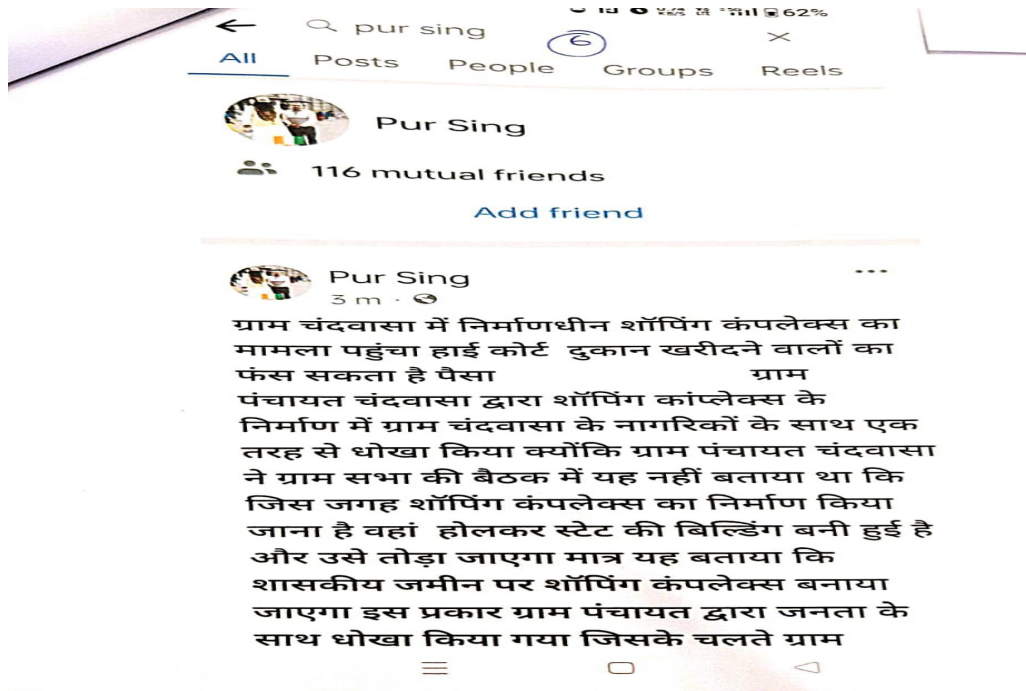
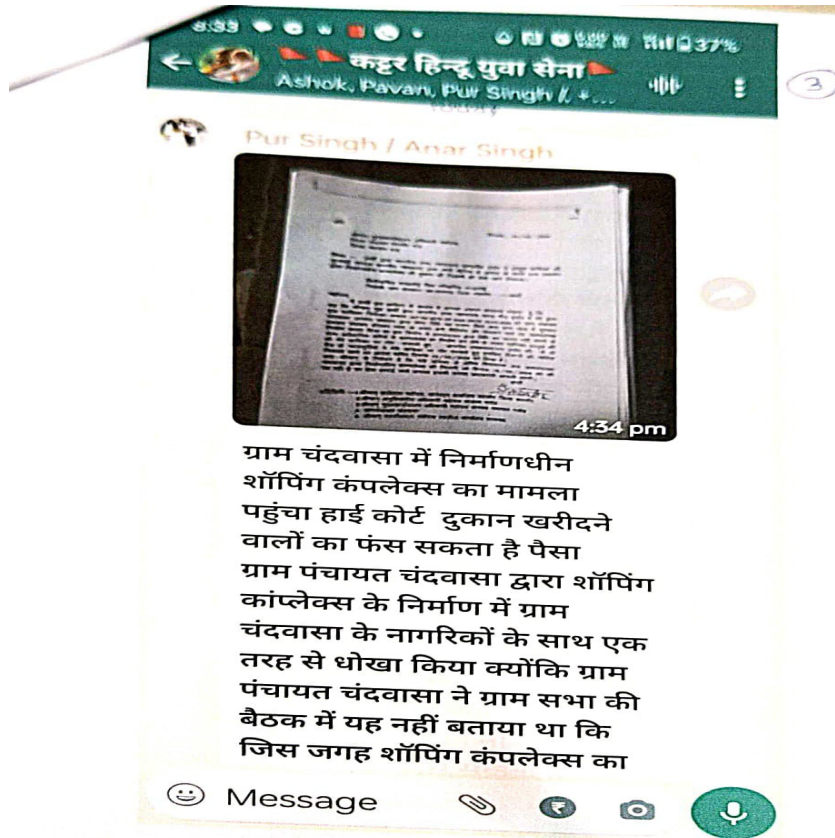
04. After notice, respondents No.1 to 7 have filed a detailed reply by submitting that the old school building was in a dilapidated condition, therefore, a new building of Government Girls School has been constructed on another Government land bearing Survey No.1682. Earlier an Aanganwadi Centre was being operated on the said land but due to the dilapidated condition of the building, the Aanganwadi Centre was also shifted. The school had already been shifted in the year July, 2006 and thereafter, a decision was taken to dismantle the old building. The State Government issued a Circular dated 01.10.2020 in respect of implementation of district plan for 15 financial grant. Accordingly, the Gram Panchayat constructed a shopping complex under the said grant. The respondents have filed the photographs of old school building and from the photographs, it appears that there was no option but to demolish the same as the same was of no use. Now the new shopping complex has been constructed and the photographs are filed along with the return.



05. In our considered opinion, no illegality has been committed by dismantling the old building and constructing the new shopping complex. It appears that the petitioner has filed the present PIL in order to settle his personal score with the Sarpanch and other office bearers.

06. Shri P.R. Bhatnagar, learned counsel appearing for respondents No.8 & 9 submits that the petitioner has not only filed the present petition, but gave an adverse publicity in the local area. He has instigated the local person not to purchase the shops by way of auction because of which the Panchayat is not getting the better proposal for sale of the shops on a higher price. The petitioner has misused the process of law, therefore, heavy cost is liable to be imposed. He has produced such negative news posted on the social media and some of them are as under:-







07. This Court has only issued notices to the petition to call upon the respondents to file a reply. We are of the view that the petitioner misused the process of law by filing the present petition and making false and incorrect allegations against the respondents. He ought to have file the photographs of old building and new complex along with the writ petitioner. The Panchayat is competent to pass proposal for construction of shopping complex in order to earn the revenue. There is no illegality in demolishing the old structure and constructing a shopping complex. The petitioner has unnecessarily given the negative publicity of this matter against the Panchayat has resulted into delay of sale of the shops.

08. In view of the above, Writ Petition (PIL) stands dismissed with the cost of Rs.25,000/- which shall be deposited by the petitioner in the account of Gram Panchayat – Chandwasa, Janpad Panchayat – Mandsaur and shall submit the compliance report before this Court. In case, the petitioner fails to deposit the cost of Rs.25,000/- within four weeks, the same shall be recovered by way of RRC by the Collector.

(VIVEK RUSIA)
J U D G E

(GAJENDRA SINGH)
J U D G E

Ravi