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WP-25002-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 23rd OF APRIL, 2026

WRIT PETITION No. 25002 of 2025

*BHARAT ENTERPRISES (REGISTERED PARTNERSHIP FIRM)
THGOUH ITS PARTNER MUKESH GARG*

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Sameer Kumar Shrivastava - Advocate for the petitioner.

Shri Manish Saxena - Govt. Advocate for the State.

Shri Himanshu Rathore - Advocate for respondent No.2.

Shri Himanshu Pathak - Advocate for respondent No.3.
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ORDER

The instant writ petition under Article 226 of the Constitution of India is preferred seeking following reliefs:

"i. A writ of mandamus may kindly be issued directing the Respondent no.2 to complete external development work more particularly laying down of water pipeline in accordance with Rule 12 (v) and (vi) of Rules of 1995.

ii. A writ of mandamus may kindly be issued directing the Respondent no.2 & 3 to lay down main



water pipeline in front of petitioner's project namely Vaishali Enclave situated at village Sigora District Gwalior.

iii. An appropriate order or direction may kindly be issued directing the respondents to strictly comply with Rule 12 (vi) of Rules of 1999.

Any other relief which this Hon'ble High Court deems fit in the facts and circumstances of the case may also kindly be granted."

2. The grievance of the petitioner in the present writ petition pertains to the inaction on the part of the respondents in not completing the external development works like laying water pipelines etc, as mandated under Rule 12 of the Madhya Pradesh Gram Panchayat (Registration of Coloniser Terms and Conditions) Rules, 1999. It is the case of the petitioner that despite fulfillment of all statutory obligations on its part, the respondents have failed to discharge their corresponding duties, particularly with regard to provision of essential infrastructure.

3. The petitioner is a duly registered coloniser under the Rules of 1999 and was granted a certificate of registration by the Sub-Divisional Officer, Gwalior on 15.11.2011. The petitioner is the owner of land bearing Survey Nos. 637/3, 638, 639, 678, and 680/1, admeasuring 0.366, 0.376, 1.045, 0.251, and 1.599 hectares respectively, situated at Village Sigora, District Gwalior. With the intention of developing a



residential colony over the said land, the petitioner applied for and obtained a Nazul No Objection Certificate from the Office of the Collector on 13.02.2013. As the subjected land fell within the notified area of the Special Area Development Authority, it was necessary for the petitioner to obtain development permission in accordance with the provisions of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973. Accordingly, the petitioner submitted an application for development permission on 12.04.2013. Upon scrutiny, SADA demanded various charges and fees, which were duly deposited by the petitioner. Thereafter, permission for development of a residential colony was granted vide order dated 11.09.2013. Pursuant to the aforesaid permission, the petitioner undertook and completed all internal development works of the colony in accordance with the applicable statutory requirements. The completion of such works was duly intimated to SADA, which, upon verification, issued a completion certificate acknowledging compliance by the petitioner. However, despite the petitioner having fulfilled all obligations casted upon it under the Rules of 1999, the respondents failed to carry out the external development works, including provision for basic amenities one of them being laying water pipelines, as required under law. Aggrieved by such inaction and failure on the part of the respondents to complete the external development works, the petitioner has approached this Court by way of the present writ petition.



4. Learned counsel for the petitioner submits that in terms of Rule 2(k)(v) of the Madhya Pradesh Gram Panchayat (Registration of Coloniser Terms and Conditions) Rules, 1999, respondent No.2 was under a statutory obligation to provide essential external infrastructure, including laying of water pipelines for the benefit of the residents of the colony. It is contended that despite recovery of the requisite charges from the petitioner, no steps have been taken till date to lay the pipelines or to connect the colony with the main water supply line, thereby depriving the residents of basic amenities.

5. It is further contended that respondent No.2 was earlier maintaining its own water filtration plant intended to cater to the notified area, including the locality in question. However, on account of financial constraints, the necessary infrastructure for distribution could not be developed. Subsequently, the said water treatment plant was handed over to respondent No.3, namely M.P. Jal Nigam, in terms of the Government order dated 14.09.2023.

6. Placing reliance on the said order, learned counsel submitted that the transfer of the water treatment plant to respondent No.3 was accompanied by a clear stipulation that, as and when required, water supply shall also be extended to the colonies developed under Counter Magnet SADA, Gwalior. It is argued that despite such transfer and the policy decision of the State, neither respondent No.2 nor respondent No.3 has taken any effective steps to lay the necessary pipelines, which



form part of the external development work.

7. It is further submitted that under the contract agreement pertaining to the SADA Multi Village Water Supply Scheme, respondent No.3 has undertaken the responsibility of ensuring bulk water supply to 28 villages, which admittedly included Village Sigora where the petitioner's colony is situated. In view of the said contractual obligation, it is urged that respondent No.3 cannot evade its responsibility and is required to lay the water pipelines so as to connect the petitioner's colony with the main supply system.

8. On the strength of the aforesaid submissions, learned counsel for the petitioner prayed that appropriate directions be issued to the concerned respondents, whoever is found responsible, to lay down the water pipelines up to the petitioner's colony and ensure supply of potable water to the residents therein.

9. On the other hand, learned counsel for respondent No.2 submits that the said authority is merely a planning and regulatory body constituted under the relevant statutory framework for supervision and regulation of development within the notified area. It is contended that respondent No.2 is neither an executing agency nor a service provider for water supply infrastructure and, therefore, does not undertake activities such as laying of pipelines or supply of potable drinking water.

10. It is further submitted that the responsibility for execution, operation, and supply of potable drinking water squarely vests with



respondent No.3, namely Madhya Pradesh Jal Nigam, which functions under State Government-approved schemes, including the Jal Jeevan Mission. According to respondent No.2, all activities relating to water supply infrastructure, including laying of pipelines, operation of filtration plants, and provision of household connections, are being undertaken by respondent No.3 in accordance with such schemes.

11. It is also contended that although the supply of water to the colony developed by the petitioner was earlier envisaged through water filtration plants maintained by respondent No.2, the said infrastructure has since been transferred pursuant to the Government order dated 13.06.2022 to Respondent No.3. In view of such transfer, the responsibility to provide water supply now lies entirely with respondent No.3.

12. Placing reliance on the contract agreement dated 12.04.2023 executed under the SADA Multi Village Water Supply Scheme for District Gwalior, learned counsel submitted that respondent No.3 has undertaken to provide water supply to 28 villages, which includes Village Sigora where the petitioner's colony is situated. It is, therefore, argued that the obligation to lay down the necessary pipelines and ensure water supply to the petitioner's colony rests solely with respondent No.3.

13. *Per contra*, learned counsel appearing for respondent No.3 submits that the said respondent is a corporation constituted by the State Government through a Gazette notification, primarily entrusted with the



implementation of the Jal Jeevan Mission, a flagship programme of the Government of India launched in 2019 with the objective of providing safe and adequate potable drinking water to every rural household through individual tap connections. It is contended that the scope of the project undertaken by respondent No.3 includes renovation and upgradation of the existing water treatment plant, installation of clear water pumps, construction of necessary infrastructure such as MBR and ESR, laying of pipelines, and provision of household service connections in the areas covered under the scheme.

14. It is further submitted that the present project pertains to a multi-village water supply scheme covering 28 villages, with a total population of 35,218 as per the 2011 Census, for which approximately 9,081 household connections are to be provided. The scheme has been designed based on projected demand, with a capacity to draw and supply 5 MLD of treated water from the existing water treatment plant constructed by SADA.

15. Learned counsel further submits that both SADA and respondent No.3 are State-controlled entities and are governed by the applicable statutory framework, including the Madhya Pradesh Gram Panchayat (Gramin Jal Praday Yojana, Kriyanvayan evam Prabandhan) Niyam, 2020, which comprehensively regulate the manner in which potable water supply schemes are to be implemented and managed. It is contended that all actions of respondent No.3 are strictly in accordance



with the said Rules and the policy decisions of the State Government.

16. It is also submitted that pursuant to the Government notification dated 13.06.2022, the entire pipeline network was duly designed based on the ultimate demand of 5 MLD, and the work of laying pipelines is presently in progress. Out of the total planned length of 70.737 kilometers, approximately 36.94 kilometers have already been completed. The project is being executed in a phased manner in accordance with the approved design and financial sanction.

17. Learned counsel further contends that the said Government notification clearly stipulates that supply of water beyond the identified 28 villages, including supply up to 5 to 6 MLD to Municipal Corporation wards 64, 65, and 66, is contingent upon a specific request being made to respondent No.3. In the present case, no such request has been received. It is also submitted that the demand raised by the petitioner does not fall within the scope of the approved scheme or within the ambit of the communication dated 11.04.2023.

18. It is further submitted that all actions undertaken by respondent No.3, including issuance of Notice Inviting Tender on 14.11.2022 and execution of the project, have been carried out after obtaining due approvals from the competent authority, including SADA, in terms of the Government notification. Since the project cost has been finalized and the work is already underway as per the sanctioned plan, no additional obligation can now be imposed upon respondent No.3 to



extend pipeline connectivity to the petitioner's colony.

19. Lastly, it is contended that there exists no contractual or statutory relationship between the petitioner and respondent No.3 for provision of water supply to the colony developed by the petitioner. In the absence of any such obligation, respondent No.3 cannot be compelled to undertake additional work beyond the scope of the sanctioned scheme. On these grounds, it is prayed that the present writ petition deserves to be dismissed.

20. Although the State, through the Principal Secretary, Department of Urban Development and Housing, Vallabh Bhawan, Bhopal, has been arrayed as a party respondent, no submissions have been advanced on its behalf.

21. After hearing learned counsel for the parties and upon perusal of the material available on record, this Court finds that the petitioner had obtained due permission for development of the colony from respondent No.2, as the land in question fell within the notified area under its jurisdiction. Such permission was granted vide order dated 11.09.2013. However, owing to financial constraints, respondent No.2 was unable to undertake and complete the external development works, particularly the laying of water pipelines, which were essential for making the colony fully functional.

22. It is further borne out from the record that a contract has been executed between respondent No.2 and respondent No.3, namely M.P.



Jal Nigam, for implementation of the SADA Multi Village Water Supply Scheme for District Gwalior, under which bulk water supply is to be provided to 28 villages, including Village Sigora. It is not in dispute that the petitioner's colony is situated within the said village. A perusal of the agreement indicates that the scheme covers the villages forming part of Appendix-I Part A, including both Household Supply Villages and Bulk Supply Villages. However, the agreement does not specify or restrict the areas within the village to which water supply is to be confined.

23. Further, by virtue of the State Government order dated 14.09.2023, the water treatment plants earlier developed and managed by respondent No.2 have been transferred to respondent No.3, with a stipulation that water supply shall be extended, as and when required, to colonies developed within the Counter Magnet area, including those at Gwalior. The said order, read in conjunction with the contract agreement, clearly indicates that the responsibility for execution and completion of the water supply infrastructure now vests with respondent No.3.

24. It is of a common knowledge that the State instrumentalities cannot evade their responsibilities by shifting the burden upon one another, particularly when it concerns the provision of basic civic amenities such as potable drinking water. The right to access water is an integral part to right to life, and the citizens residing in the petitioner's colony cannot be deprived of such an essential necessity on account of



administrative lapses or inter-departmental ambiguity.

25. Although it would have been appropriate for respondent No.1 to proactively coordinate and ensure that its instrumentalities discharge their respective obligations, the failure to do so doesn't give any right to Respondents No.2 and 3 to shred their responsibilities and deny the residents their basic entitlement.

26. In view of the aforesaid discussions, this Court is of the considered opinion that respondent No.3, being the executing agency presently entrusted with the water supply infrastructure, is liable to ensure that pipeline connectivity is extended to the petitioner's colony. Accordingly, respondent No.3 is directed to undertake the work of laying water pipelines up to the petitioner's colony situated at Village Sigora, District Gwalior, and to ensure supply of potable water to the residents therein. **The aforesaid exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.**

27. With the aforesaid observations and directions, the present writ petition stands **allowed and disposed of.**

(MILIND RAMESH PHADKE)
JUDGE