

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 10680 of 2025

(KAILASH CHAND AGRAWAL Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 18-08-2026

Shri Abdhesh Singh Tomar, Advocate for petitioner.

Shri Rajesh Kumar Shukla, Additional Advocate General for
respondent/State

Shri Gaurav Mishra, Advocate for respondent No.4.

Shri Ashish Saraswat, Advocate for respondent No.6.

Shri Sangh Priya, Commissioner, Municipal Corporation, Gwalior submitted his affidavit and he accepted that *Beti Bachao Road to Guda Gudi Ka Naka* was in a highly dilapidated condition. It also accepted that the said dilapidated condition was in existence for the last considerable long time. He also accepted that without taking any permission from Court and just two days prior to the collection of samples, the damaged part of the road has been repaired to a large extent. It was submitted by Shri Sangha Priya that the disputed portion of the said road is getting damaged frequently on account of non settlement of land due to laying down of sewage line. It was the stand of Shri Sangha Priya that after the sewage line was laid down, the land takes considerable long time to settle down, therefore, whenever any road is constructed it gets damaged. However Shri Sangha Priya, was not in a possession of any scientific, technical literature to explain that what type of heavy machinery would be used for settling down land and how much time, the land would require to settle down after the use of such heavy machinery.

He further stated that he is not in a possession of Tender notice which resulted in laying down of sewage line. He further stated that he is not in a possession of any documents to show that land which was adversely affected on account of laying down of sewage line was compressed or not and what were the measures taken by contractor to do the needful. He further stated that he is not in a possession of the of budget which was allotted and spent for laying down of sewage line, accordingly he prayed for 60 minutes time to bring those documents from his office. Accordingly, he was granted 60 minutes time to produce the tender documents, the specifications which were required for compression of land after laying down of sewage line as well as DPR.

Yesterday, certain videos as well as the communications and directions given by Shri Sangha Priya on Whatsapp were shown by Shri Sangha Priya on the his mobile phone. Accordingly, Shri Sangha Priya is also directed to transmit those contents i.e videographs, photographs and the official communications in digital form and provide the same in 5 different Pendrives for the disposal of this writ petition. For the time being, all the five Pendrives will remain in the custody of Court and will be shared with the stake holders at an appropriate stage.

It is submitted by Shri Gaurav Samadhiya, Advocate that when he tried to contact the Officers whose names have been disclosed by State, then one of the Officer did not pick up the phone, one of the officer informed that he is in Bhopal and another Officer informed that he is in Jabalpur. Accordingly, Shri R. K. Shukla, Addl. AG undertakes to ensure that all the

Officers remain present in the city of Gwalior by **6 AM** on **19.08.2026**.

So far as collection of sampling from Road No. 7 Beti Bacho Sadak to Guda Gudi Ka Naka is concerned, in view of the manipulations which are being done by unscrupulous persons as well as by Municipal Corporation, Gwalior, the following directions are issued :-

(i) All the three members of Commission, counsel for petitioner, counsel for Municipal Corporation, counsel for State as well as counsel for NHAI, Senior Superintendent of Police, Gwalior as well as all the Panel Members of the technical team shall assemble in the High Court premises at 11:45 AM sharp.

(ii) The corporation will provide the labourers for digging the holes/pits for collection of samples from the place which will be suggested by the Commission.

(iii) After the samples are collected and sealed on the spot, the pits which will be dug shall be immediately restored by the Municipal Corporation.

(iv) Senior Superintendent of Police, Gwalior is directed to accompany the Commission during the entire period of collection of samples and he shall also take the help of his sub-ordinates to maintain law and order and to get the traffic diverted in order to avoid any sort of hindrance in the process of collection of samples.

(v) One sample shall be immediately deposited in the Malkhana of District Court, Gwalior, whereas one sample shall be taken away in a sealed cover by Pradhan Mantri Gramin Sadak Yojana Testing Lab which was

earlier named as Rural Engineering Lab, and one sample shall be taken away by PWD Testing Lab.

(vi) The fourth sample shall be kept in a sealed cover by the Municipal Corporation, Gwalior in the safe custody, so that in case of any future dispute, the same can be used. The safe custody of fourth sample shall be subject to conditions imposed by order dated 17.08.2026.

(vii) So far as the sealed sample which will be kept in the Malkhana is concerned, it will be used by this Court for getting the sample tested from any renowned lab situated in the Country, in case, if any dispute is raised on the report of above mentioned two testing labs.

(viii) It is submitted by Shri Gaurav Samadhiya, Advocate that Commission will depart for collection of samples at 12 PM.

Accordingly, it is directed that Commission, members of technical team, counsel for petitioner, counsel for all the respondents and Senior Superintendent of Police, Gwalior alongwith Labour and other paraphrenia for collection of samples will depart from High Court premises at 12 PM and the bus as already directed by this Court by order dated 17.08.2026 shall be provided by the State in order to reduce the number of vehicles at the place of testing.

(ix) It is made clear that in order to avoid any allegations or counter-allegations, the entire act of collection of sampling as well as the diversion of traffic would be videographed by a Photographer. It is submitted by Shri Samadhiya that Photographer will be arranged by the Commission. However, it was submitted by Shri Gaurav Mishra that the expenses of photographer

would be borne by Municipal Corporation and accordingly on submitting the bill of the Photographer by the Commission, the payment shall be released immediately most preferably within a period of two hours from the time of submission of said bill.

(x) Earlier this Court on a suggestion given by the Commission has shortlisted certain roads but in view of the continuous interference either by the unscrupulous persons or by the Municipal Corporation, the shortlisting of the roads is hereby recalled. The Commission is given full liberty to short list roads of its own choice. In future, the Commission will be required to disclose the details of shortlisted roads just within 30 minutes prior to the departure from the High Court premises. Neither the counsel for the petitioner nor the counsel for any respondents shall be allowed to give any suggestion to the Commission and it shall be the prerogative of the Commission to pick up the road of any choice whether it is an internal road or it is a major or external road. If other road other than the shortlisted road is picked up for collection of samples, then the concerning department shall immediately provide the self attested photocopies of DPR as well as the measurement book of that road within five hours from the time of collection of samples.

It is further directed that any person whether known or unknown are hereby restrained from interfering in the process of collection of samples and testing of samples. At any stage, if it is found that any person or force were active in manipulating or causing hindrance in the collection of samples, or manipulating the testing report, then it will be treated as gross violation of

direction by this Court and they shall be liable to be prosecuted for contempt of Court.

On 17.08.2026, a statement was made that the owner of private lab has withdrawn himself under the pressure of some unscrupulous person. This Court had already expressed its displeasure in its order dated 17.08.2026. Such an act, if it is found proved is the direct interference in the dispensation of justice. Therefore, whether an enquiry is to be done to find out the person or persons or force which were involved in creating all sorts of hindrances in the dispensation of justice should be directed or not shall be considered at a later stage.

As Commissioner, Municipal Corporation, Gwalior has expressed that particular portion of road is getting damaged on account of non settlement of land due to laying down of sewage line, therefore, the Commission is also granted permission to take samples from the area nearby the sewage line so that what steps were taken by the Corporation to get the land settled or compressed can also be ascertained. Therefore, apart from the question of bad conditions of road, the question of non compression or non settlement of land while laying down the sewage line will also be considered while deciding this writ petition.

Shri Tomar is also directed to place the photographs which were clicked by him in digital form in 5 Pen drives. The cost of the Pen drive shall be borne by the Municipal Corporation Gwalior.

Shri Tomar is permitted to purchase 5 Pen drives of the required capacity and submit the bills to Shri Mishra who will forward to

Commissioner, Municipal Corporation Gwalior and would ensure that the bills are encashed within two hours of its submission.

As already directed by this Court by order dated 17.08.2026, the storage boxes shall be made available as per the direction contained in the said order.

It is submitted by Shri Saraswat that he has already supplied the DPR and Measurement Book of the road which was short-listed by the Commission and the receipt of the same was acknowledged by the Commission.

Shri Shukla submitted that in-spite of the directions given by this Court, the relevant documents pertaining to the road of PWD have not been supplied to the Commission, but undertakes to act swiftly and provide the same latest by 1 pm.

Let a copy of this order be communicated to Principal District And Sessions Judge, Gwalior, S.S.P. Gwalior, E-in-C, PWD to ensure the presence of all the officers in High Court premises by 11:45 AM, the Project Director, NHAI, PIU Gwalior and Commissioner, Municipal Corporation Gwalior for necessary information and compliance.

List this case on 25.08.2026.

(G. S. AHLUWALIA)

JUDGE

(ANURADHA SHUKLA)

JUDGE

Later on :

The case was taken up at 1.07 PM.

Shri Sangh Priya, Commissioner, Municipal Corporation, Gwalior appeared alongwith one file but after going through the same, he fairly conceded that he has not brought the measurement book of the tender pertaining the laying down of sewage line passing through the area, which was illegally repaired by the Corporation on 16th and 17th of August 2026. It was submitted by Shri Sangh Priya that tender for laying down sewage line was floated on 31.01.2024 and after following all the formalities the work order was issued on 09.07.2024. The total cost of the entire work was Rs.4,76,00,000/-, out of which Rs.2,75,00,000 crores have already been released. The last installment of Rs.68,00,000/- was released on 01.01.2026. However, it is submitted that no completion certificate has been issued. However, Shri Sangh Priya could not explain as to why he has not brought the measurements book. Whether it is a deliberate attempt on the part of Commissioner, Municipal Corporation, Gwalior or not is not required to be looked into in case if the Commissioner, Municipal Corporation, Gwalior provides the self attested copy of the measurement book to the Commission within four hours.

Shri Sangh Priya is also directed to provide the self attested photo copy of the file pertaining to the issuance of the tender, which has been brought by him to Shri Samadhiya, so that the work pertaining to the laying down of sewage line passing through the disputed area where the repairing works were carried out by the Corporation on 16th and 17th August 2026 in a clandestine manner without any information and permission from the Court, can also be checked

It is submitted that the sewage line was laid down from *Hanuman Talkies* up to *Beti Bachao Chauraha* where the sewage line has merged with already laid trunk line. It is submitted that there are multiple feeder lines passing through the internal roads. It is submitted that the internal roads have not been repaired except by putting *gitti*.

It is submitted by Shri Sangh Priya that initially the work of laying down of sewage line was to be completed within six months but from time to time it has been extended and now the last date was 31st March 2026 and thereafter there is no further extension. However, Shri Sangh Priya has already admitted that the completion certificate has not been issued and from the excuses made by Shri Sangh Priya, Commissioner Municipal Corporation, it is clear that the land has not been properly compressed by the contractor.

It is submitted that since the contractor could not complete the work within a period of six months from the date of issuance of work order, therefore, further extension of six months was granted w.e.f. 25.03.2025 up to 30.09.2025. It is further submitted that no extension was granted after 30.09.2025 but by note sheet dt.23.12.2025 further extension up to 31.03.2026 was granted to complete the work on the ground that due to excessive rain in 2025, the contractor could not complete the work. It is really surprising that on first occasion the contractor had sought extension on the ground that due to Diwali festival the local politicians had not allowed him to carry out the work but the Diwali in the year 2024 was on 31st October 2024, whereas the extension was up to 31.03.2025. Thereafter,

another extension was given up to 30.09.2026. It is really surprising that there is no rain during November, December 2024 up to June 2025 but still the Municipal Corporation was happy in extending the period of performance of contract on flimsy ground of rains during June or July.

Be that whatever it may be.

It is the attitude of the Municipal Corporation in leaving the works in incomplete condition thereby putting the lives of the residents of Gwalior in danger. Furthermore, the last extension was up to 31.03.2026. There is no further extension. It is submitted by Shri Sangh Priya, Commissioner, Municipal Corporation that in case of non-completion of work within the stipulated period, the Corporation is entitled to recover the liquefied damages from the contractor at his risk and cost and can also allot the work to another contractor. However, it is surprising that even after 31st of March 2026, the Corporation is sleeping and woke up only on 16th of August 2026 when it realized that the work of the corporation is going to be tested by collection of samples. Whether this is the model method of managing the affairs of the Gwalior city or not is to be considered by the Chief Secretary and the concerning department. Nothing more is required to be observed by the Court at this stage because samples are yet to be collected.

It is submitted by Shri Sangh Priya that all the videography, photographs and Whatsapp directions contained in his mobile have been stored in the pendrives. It is fairly conceded by Shri Sangh Priya that there is no direction by the State Government to perform the official work by issuing instructions on Whatsapp, but it was submitted that looking to the urgency,

the instructions were issued on Whatsapp to make the road motorable.

Why the Municipal Corporation was sleeping from the year 2024 specifically when the mobile of Shri Sangh Priya, Commissioner, Municipal Corporation was already containing a video titling that for the last one year the condition of the road is miserable and why they woke up only just two days prior to the collection of sample will be considered at a later stage. Therefore that question is kept open.

List this case on 25th August 2026.

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

R/SP