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CONC-5447-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 16th OF APRIL, 2026CONTEMPT PETITION CIVIL No. 5447 of 2025*RAJNEESH TRIPATHI**Versus**MANISH SINGH IAS AND OTHERS*

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Appearance:

Shri Jubin Prasad and Shri Bhanu Prakash - Advocates for the petitioner.

Ms. Anjali Mishra - Advocate for the respondents.

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ORDER

Heard on I.A. No.19412/2025, an application has been filed for condonation of delay in filing this Contempt Petition.

2. For the reasons mentioned in the application, I.A. No.19412/2025 is **allowed** and delay in filing this Contempt Petition is **condoned**.

3. This Contempt Petition has been filed alleging non-compliance of order dated 03/01/2023 passed by this Court in Writ Petition No.12203/2006.

4. It is the case of the petitioner that a Public Interest Litigation and other connected petitions were filed by various parties bringing it to the knowledge of the Court that overloading of vehicles causes multiple problems and the State Government is not taking any appropriate action. All these petitions were clubbed together and order dated 02/11/2015 was passed in the lead petition being W.P. No.12203/2006. The main contention which



was raised in the PIL was overloading of vehicles causing loss to the public property at large and creating several issues including large number of accidents and other adverse consequences to the environment. A reply was filed by the respondents along with various reports and undertakings wherein they have proposed to take action and keep check on overloading of vehicles by various actions. Despite giving undertaking, the State Government thereafter took a somersault and issued communication, by virtue of which check posts were sought to be closed. The said order was stayed by this Court vide order dated 04/09/2018 and the PIL continued. Further affidavits were placed on record wherein the State Government clearly stated implementation of various plan working plan, which included continuous running of the check post so that the overloading of vehicles can be checked at the border itself. The affidavits along with the action taken report are placed before this Court as Annexure-C/6. Finally, on the undertaking and the affidavit submitted by the respondents, the Public Interest Litigation was disposed of vide order dated 03/01/2023 making the following observations:-

"4. The primary grievance of the petitioner is against the overloading of trucks. Even though they have arrayed respondents No.8 to 11 and have targeted the entire petition against them, notices were issued to the State in order to consider the problem of overloading of trucks throughout the State of Madhya Pradesh. It is with this regard that the concerned respondents have not only filed their reply but also the status report has been filed by the State in the Court today.

5. Having considered the same, we are satisfied that the respondents are taking appropriate measures in order to ensure compliance of the Motor Vehicle Act and Rules. If there is any violation of Motor Vehicle Act and the Rules, the concerned authorities are entitled or are duty bound to ensure compliance of law. We do not think that it is necessary for a public interest litigation to be taken care of in this manner to ensure that the trucks are loaded properly or not. It is the duty of the authorities



as contemplated under the Act to perform their duties within the framework of the concerned Act and the Rules. In case, there is any failure then necessary action would be taken against such violators of the law.

6. Under these circumstances, in view of the affidavits being filed and appropriate remedies and action that is contemplated under the Motor Vehicle Act and the Rules, we do not find any necessity to keep this matter pending."

5. From the aforesaid observations made by the Court, it is clear that the working plan will be continued in future as the same has been undertaken by the Authorities by way of filing affidavits. After disposal of the Writ Petition, again an order was passed on 30/06/2024 whereby all the inter-state check posts were closed.

6. It is argued before this Court that the check posts were working since ages and ultimately these check posts only become the most viable and feasible method to check the overburdening of the vehicles. Virtually the undertakings which have been given before the Court in the Public Interest Litigation by the State Authorities is violated as the orders have been issued to close the check posts despite there being an interim order granted staying the earlier order of closure of the check posts as reflected from Annexure-C/5. This is the gross disobedience on the part of the Authorities in not complying with the orders passed by this Court and the undertakings given by them. It is argued before this Court that even the undertakings given before this Court and their non compliance amounts to willful disobedience of the orders passed by this Court.

7. On notice being issued, a compliance report has been submitted by the Authorities contending therein that the State is taking appropriate measures to curb overloading, prevent revenue leakage and ensure road



safety. It is the choice of the respondents Authorities for taking appropriate steps to check the overloading of vehicles and prevent the loss to the revenue. As the effective measures have been implemented for checking the overloading of vehicles by alternative modes, therefore no contempt is made out. Various documents have been filed along with return to show the implementation of the order passed by this Court. She has prayed for dismissal of the Contempt Petition.

8. Heard learned counsel for the parties and perused the record.

9. It is an undisputed fact that the Writ Petition (Public Interest Litigation) was disposed of in terms of the undertakings which have been given before the Division Bench of this Court. The PIL was disposed of considering the undertakings given by the Authorities.

10. It is a trite law that the undertaking given before the Court, if not followed, amounts to disobedience of the order passed by the Court and fall under the category of contempt of Court's order. The earlier order passed by the Authorities whereby a decision was taken to close the check posts has been stayed by this Court vide order dated 04/09/2018 which is reflected from Annexure-C/5. In view of the aforesaid, the reply submitted by the Authorities is not satisfactory as they have again closed the check posts despite earlier order stayed by this Court. The same amounts to disobedience of the order passed by this Court and the undertaking given by respondents.

11. However, prior to issuing any coercive directions against the respondents, this Court deems it appropriate to grant one more opportunity to the respondents to comply with the order passed in Writ Petition.



Accordingly, this Contempt Petition is disposed of directing the respondents to implement their undertakings given in the Public Interest Litigation and restore all the check posts which are already closed by them. They are free to take other modes for checking the overloading of vehicles but as far as the undertakings given before this Court are concerned, they are required to be complied with.

12. Accordingly, this Contempt Petition is disposed of granting 30 days' time to the respondents to restore all the closed check posts for checking the overloading of vehicles in terms of the undertakings given by them before this Court in Public Interest Litigation.

13. If the aforesaid order is not complied with within a period of 30 days from the date of receipt of certified copy of this order, petitioner is at liberty to revive the contempt proceedings by filing application.

14. With aforesaid observations, this Contempt Petition is finally disposed of.

(VISHAL MISHRA)
JUDGE