

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
WP NO.6511 of 2026**

(JANDEL SINGH YADAV VS. STATE OF MADHYA PRADESH & ORS.)

Dated : 02-04-2026

Shri Rajnish Sharma and Shri Mudit Goswami –Advocates for the petitioner.

Shri Vivek Khedkar – Additional Advocate General/Senior Advocate with Shri Ravindra Dixit – Government Advocate for the respondents/State.

1. Heard on I.A.No.4521/2026, an application for amendment in the petition. Petitioner intends to amend certain more places where illegal activities of encroachment is going on.
2. On due consideration and also the contents of application, in the interest of justice, application is allowed. Petitioner is permitted to do the needful during the course of the day.
3. After amendment being carried out, matter is heard on admission.
4. The instant petition is preferred in the nature of Public Interest Litigation by the petitioner representing himself to be a public spirited citizen.
5. Issue raised in the petition is regarding protection of valuable Government land/hillocks from large scale illegal encroachment and destruction by way of excavation by land mafia in village Guda and in the vicinity in District Gwalior (M.P.).
6. According to counsel for the petitioner in the vicinity of Gwalior many hills/hillocks surround the city of Gwalior. Said description is mentioned in the petition in para K1. These hillocks are either encroached by people or excavation activities are going on over them. If excavation is continued, soon all these hills/hillocks would be reduced to ground and severe environmental damage would be

caused.

7. Learned counsel for the petitioner while referring Public Trust Doctrine as authoritatively laid down by the Apex Court in **M.C. Mehta Vs. Kamal Nath and others, (1997) 1 SCC 388** asserted that State is a trustee of all natural resources and must protect them from private appropriation or degradation. Petitioner also relied upon the judgment of Apex Court in the case of **Jagpal Singh and others Vs. State of Punjab and others, (2011) 11 SCC 396**. Counsel for the petitioner prays for constitution of a High Level Committee (including officers from Revenue/Town and Country Planning/Mining/Police) to investigate the entire scam.
8. Learned counsel for the respondents also raised concern regarding the issue. Shri Khedkar, Additional Advocate General informs this Court that recently District Administration has directed for registration of police case against those miscreants who raised illegal colonies and sold the plots to different people. In the present case also learned Additional Advocate General assured this Court that suitable action shall be ensured.
9. Heard learned counsel for the parties on admission and perused the documents.
10. This is a Public Interest Litigation. Issue involved into it is of public importance, *prima facie*. It is commonly observed that in the vicinity of Gwalior several hillocks surround the city but are now being encroached and/or excavated by the Land Mafia with Political Patronage, Administrative Casualness and sometimes, Inaction of Police Authorities.
11. Now question is “Existential” beside Legal/Administrative/Social or Jurisprudential etc. Therefore, strong message is required. If

hills/hillocks (surrounding or within the city of Gwalior) are left as it is then the land predators would encroach the land and even if no encroachment is taken place, even then they would be excavated. In absence of Green Cover stone radiates extreme heat in Gwalior region, making the life of people miserable.

12. Although petitioner prayed for constitution of a Committee consisting of officers of District Administration/Mining Department/Town and Country Planning etc. but the project requires experience and expertise of subject experts. Some eminent persons from society along with officers of District Administration and subject experts may take care of the issue involved and administrative body with their administrative experience and resources may regulate the things and if required District Collector may coordinate with other departments also for effective implementation of this project. Therefore, subject experts and residents of city of Gwalior are taken as part of the Committee.
13. This Court already in Writ Petition No.19102/2019 (Vishvajeet Ratoniya Vs. The State of Madhya Pradesh and others) vide order dated 02-05-2025 explained the concept of “**Social Audit**” as inserted vide clause 54-a in Section 5 of the Madhya Pradesh Municipal Corporation Act, 1956 (hereinafter referred to as “the Act of 1956”) by way of Amendment Act of 2003. “Social Audit” as explained in Section 5(54-a) of the Act of 1956 is as under:

"(54-a) Social Audit - means the review of the impact of policies, programmes, schemes and procedures adopted or implemented by any municipal authority, by a group or groups of persons residing within the municipal area."
14. This appears to be the first legislative attempt for recognition of the

fact that residents of the city are one of the important stake-holders in Urban Planning, Administration and Development. Legislative intent is further reflected in Chapter X - Audits and Accounts where concept of "Social Audit" finds place in Section 130-B and the same reads as under:-

"130-B. Social Audit - Notwithstanding anything contained in this Act, the Corporation shall arrange for Social Audit in such manner as may be prescribed by the State Government."

15. This Court while elaborating the concept of "Social Audit" held about this concept in following manner in para 5 and 6:

"5. If Section 5(54-a) and Section 130-B of the Act, 1956 are seen in juxtaposition, then it appears that this is an important tool in the hands of citizenry of the city at large to participate in framing of Policies, Programmes, Schemes and Procedures adopted or implemented by any Municipal Authorities within the Municipal Area of that city. Such incorporation of 'Social Audit' is in fact an important milestone in Urban Governance because Officers/Engineers, who are at the helm of Municipal Corporation are usually posted on tenure basis. Their attention sometimes slip from vital Cultural/ Traditional aspects of the city or its Social Ethos. Every city resonate with its own Traditions, Culture and Ethos in our Country. Residents of that city are well versed with those attributes.

6. Not only this, even in technical/ financial and other specialized aspects involved in Urban Management, residents of the city can contribute effectively and

meaningfully. Pattern of urbanization, flow of traffic/ water bodies, nature and behavior of public at large and other technical aspects are within the knowledge and understanding of the residents of that city.”

16. Therefore, being guided by the concept of “Social Audit” as well as peculiarity of the Project which requires subject experts also, this Court intends to constitute a Committee under the Chairmanship of District Collector, Gwalior in following manner:

S.No.	Name of the officers/persons	Capacity
1	District Collector, Gwalior	Chairman
2	Commissioner/Additional Commissioner, Municipal Corporation, Gwalior	Member
3	Superintendent of Police, Gwalior	Member
4	Shri Gaurishankar Dubey (Higher Judicial Services), Former Principal Registrar of Gwalior Bench of Madhya Pradesh High Court.	Member
5	Vice Chancellor, Vijayaraje Scindia Agriculture University, Gwalior	Member
6	Dr. Dharmendra Richhariya, M.D. Ayurved, Gwalior.	Member
7	Dr. Ashutosh Gupta, Senior Veterinary Surgeon, Divisional Veterinary Hospital, Kampoo, Gwalior.	Member
8	Divisional Forest Officer, Gwalior Division, Gwalior.	Member
9	Shri Prashant Sharma, High Court Advocate, Gwalior.	Member
10	Shri Vivek Khedkar, Additional Advocate	Coordinator/

	General assisted by Shri Ravindra Dixit – Government Advocate.	Secretary
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17. The purpose of including Agriculture Scientist is to scientifically discover nature of soil, type of trees and other related issues.
18. It is also realized that there are several plants/shrubs/herbs known for their medicinal values but they are not grown nowadays systematically. If Ayurved Specialist would apply his expertise then plantation of those medicinal plants which are mentioned in Ayurved would also be incorporated in plantation drive.
19. Some trees/plants serve food/fodders for different animals, therefore those saplings are required to be planted which may cater the need of animals/birds etc. Therefore, Veterinary Doctor is included.
20. These subject experts would help in creating biodiversity and sustainable development.
21. Committee would make survey of all hills/hillocks available in the city or around the city (some of the names of the hillocks are being mentioned in para K1 and other paragraphs of writ petition). All those hillocks shall be included in the project.
22. Committee shall ensure that all these hillocks are either being cordoned off by fencing or by suitable mechanism so that no future encroachment or excavation may take place. These hills/hillocks would be planted with trees (preferably 6-8 ft. of height) of different nature so that biodiversity can be ensured. Ayurvedic/Medicinal trees shall be planted beside other trees like Neem, Pipal, Fruit bearing trees.
23. No excavation (except legally permitted excavation) shall be permitted by the District Administration as well as District Police Force. Inspector General of Police, Dy. Inspector General of Police,

Superintendent of Police would take care of Law and Order situation. District Mining Officer and mining staff would be responsible for checking the abuse of excavation and if any illegal excavation is found to be carried out then it would be primary responsibility of District Mining Officer/Mining Inspector of the concerned jurisdiction.

24. Saplings/plants are to be planted in a manner that every hillock may turn into City Forest where people may go for Morning Walk/Evening Walk, Performing Yoga and Spending Leisure Time with family members. This may give a positive impact to the environment of Gwalior also and who knows that the extreme temperature in scorching summer may go down if project is honestly and effectively implemented.
25. Committee members shall meet **every fortnight** at least for conceptualization of Project, *modus operandi*, performance evaluation and further road map preferably at the Office of District Collector, Gwalior or at the Office of Additional Advocate General, High Court Campus at Gwalior. If on any occasion District Collector, Gwalior is not available then some (senior most) Additional Collector may take charge of the situation. Absence of District Collector, Gwalior would only be in exceptional circumstances and not in a routine manner.
26. Since some of the members are subject experts, therefore, administrative members would give weightage to their opinion and would act accordingly. Administrative members are meant to facilitate and regulate the proceedings with their authority and experience. However subject experts would give their opinion considering the overall welfare of the city and its residents.

27. This Court raises an expectation from citizenry at large of Gwalior also. Court expects the residents to be more proactive and would help in successful implementation of this project.
28. Professional Organizations like Bar Association, Doctors' Association, Rotary Club/Lions Club, Chamber of Commerce and Chartered Accountant Association etc. may also coordinate and help in garnering the resources.
29. Public representatives who usually know the pulse of public at large are also welcome to assist for effective implementation.
30. It is expected that if all these hillocks are covered with trees as suggested above then figures may reach upto 50,000/- trees at least. Earlier this Court through different orders passed in Bail matters, Criminal Appeals, Writ Petitions directed the Litigants to participate in protection of Environment by way of plantation. One **Sirol hillock** (opposite Collector Office, Gwalior) is developed into a full fledged green cover by plantation of saplings by litigants/lawyers. Recently taking inspiration from such drive, District Administration took two hillocks into its wings namely **Hari Parvat and Anand Parvat**, village Allapura, Gwalior which were barren land and susceptible to encroachment/excavation, now successfully converted into green cover more than five thousands trees each hill. Therefore, efforts and activities of District Administration/ Municipal Corporation deserve appreciation on this count for welfare of city of Gwalior.
31. The Committee may contemplate regarding creation of App. (if not already prepared by the State Government) just like **NISARG App.** prepared by M.P. High Court with the coordination of MAP-IT, Government of Madhya Pradesh. All record of plantation would be uploaded in this App. so that proper documentation may take place

and in future record of **Carbon Credit may also be ensured.**

32. This Committee would also supervise proper plantation within the city of Gwalior if required. The Committee has to understand the concept:

“वृक्षारोपण के साथ, वृक्षापोषण भी आवश्यक है।”

33. Committee shall also address the possibility of Water Harvesting at the area where this plantation would take place. If trees are planted and near to them if any water body or water harvesting kit exists then this may help in better growth of those trees.
34. The Government of India also launched the Campaign “एक पेड़ माँ के नाम” (Plant a Tree in the name of Mother) as a symbolic and emotional environmental initiative.
35. Madhya Pradesh Government also launched a massive tree plantation drive titled as “एक पेड़ माँ के नाम” (A Tree in the Name of Mother) in July 2024, aiming to plant **5.5 crore saplings** across the State for the purpose of expanding the State's green cover. Committee especially District Administration may take the guidance, resources and paraphernalia from these initiatives.
36. Office is directed to intimate all the members of committee so that they may get knowledge about the same and give their consent accordingly.
37. Shri Vivek Khedkar, Additional Advocate General with Shri Ravindra Dixit, Government Advocate appeared on behalf of respondents, however, to apprise the authority about this order, let notice be issued to the respondents on payment of process fee within three working days by RAD mode, returnable within two weeks.
38. **List on 23-04-2026.**
39. Interim compliance report regarding constitution of Committee and

initial discussion be submitted on the next date of hearing.

40. Media is at liberty to circulate this order so that authorities as well as residents of different regions may explore the possibility to follow suit. Authority and people may follow and replicate this concept in different regions/districts for betterment of environment and importance of Water Harvesting.

Anil*

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE

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