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WA-2454-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 29th OF JULY, 2026

WRIT APPEAL No. 2454 of 2025

PRAHALAD SAHU

Versus

STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

None appears for appellant.

Shri Harpreet Singh Ruprah, Additional Advocate General with Shri
Akash Malpani, Panel Lawyer for State.

Shri Abhinav Shrivastava, Advocate for respondent No.2.
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ORDER

Per. Pradeep Mittal, J

The appellant has filed this writ appeal seeking the following
reliefs:-

- "i. Allow this Writ Appeal and set aside the impugned order dated 24/Jun/2025 passed in WP. No. 21940/2025 (A/1) by the Hon'ble Writ Court;*
- ii. Expunge the adverse remarks made against the Appellant's counsel recorded in paragraphs 8, 9, 11, 14, 19 and 20 of the order;*
- iii. Refund of the amount of cost deposited.*
- iv. Pass appropriate directions to the M.P. Lokayukta to proceed with independent inquiry into the complaint dated 30/Dec/2024 (P-1) and 17/Jun/2025 (P-2);*
- v. Grant any other relief deemed just and proper in the facts and*



circumstances of the case."

2. It is the case of the appellant that the appellant is a journalist by profession and the Editor of the registered newspaper Deeply News. Upon obtaining information regarding various alleged illegalities committed by Respondent No. 4, Dr. San Mishra, In-charge CMHO and Regional Director, Health Services, Jabalpur Division, the appellant submitted a complaint supported by an affidavit on 30.12.2024 under Rule 6 of the Madhya Pradesh Lokayukta Evam Uplokayukta (Investigation) Rules, 1982.

3. That despite the lapse of more than five months, respondent No. 2 (Lokayukta Organization) failed to initiate any action on the complaint, including the preliminary step of recording the appellant's statement. During this period, it came to light that Respondents No. 5, 6 and 7 allegedly abused their official positions to protect Respondent No. 4.

4. Consequently, the appellant submitted a second complaint on 17.06.2025 before the Lokayukta Organization. As no action was taken even thereafter, the appellant was constrained to file the aforesaid writ petition seeking appropriate directions for an independent inquiry into the complaints. Aggrieved by the dismissal of the writ petition, which also imposed exemplary costs of Rs.50,000 on the appellant, this appeal is filed on the following grounds.

5. The grounds raised by the appellant are that the writ court erred by dismissing the petition as repetitive despite an independent cause of action and no suppression of facts, while violating the principles of natural justice by passing adverse remarks against the appellant's counsel without a hearing, failing to consider supporting government records, and ignoring the state



counsel's prejudicial, unauthorized submissions made on behalf of a private respondent.

6. The writ court found that the appellant sought substantially similar relief to that of three prior cases (W.P. No. 28216/2024, W.A. No. 2407/2024, and W.P. No. 14372/2025) filed by another journalist through the exact same counsel, noting that the core grievance was already being addressed under an active order directing the Lokayukta Organization to decide the matter within 45 days. Consequently, the court ruled that the failure to disclose these identical prior proceedings, despite the shared knowledge of the common counsel, amounted to a deliberate concealment of material information and an abuse of the judicial process. Holding that the appellant failed to approach the equity jurisdiction with clean hands, the court dismissed the petition as non-maintainable, imposed a cost of Rs.50,000/- and formally cautioned the appellant's counsel to be more diligent in future filings.

7. The respondents contend that the appellant deliberately suppressed the fact that an earlier writ petition and writ appeal on the exact same subject matter had already been filed through the same counsel's office by another journalist, Narendra Kumar Rakeshia. Consequently, they submit that the current litigation amounts to a gross abuse of the process of law and a duplication of proceedings, especially since the core grievance had already been substantially addressed by this Court's earlier order in W.P. No. 14372/2025, which directed Respondent No. 2 to examine the complaint. Therefore, the respondents argue that such concealment of material facts



completely disentitles the appellant from seeking equitable relief under writ jurisdiction, thereby fully justifying the learned Single Judge's decision to dismiss the petition and impose costs for the non-disclosure of relevant facts and the wasting of valuable judicial time.

8. That pursuant to the order dated 27.11.2025, Amitabh Gupta, Advocate has filed affidavit before this court and submits that whatever he wanted to state has already been comprehensively mentioned in his affidavit, and this court may graciously go through the same to note that he was neither the appellant nor the counsel on record when the present writ appeal was filed, and he exercised absolutely no independent discretion, strategic judgment, or decision-making power regarding the impleadment of Deputy Advocate General Shri Swapnil Ganguly. He further contends that the core grievances, recall applications, and official complaints against Shri Ganguly were independently engineered and filed by the appellant long before his involvement, meaning no new factual foundation was introduced by him. Consequently, his professional role was strictly limited to providing bona fide formatting and wording assistance based entirely on the appellant's pre-existing records and instructions. He maintains that the identity of the person rendering drafting support is completely irrelevant to the narrow legal merits of the appeal, which can be fully adjudicated on the existing record. Finally, he notes that in complete deference to this Court's linguistic observations, he proactively advised the counsel on record to submit all subsequent pleadings in Hindi, submitting this entire clarification without prejudice and without admitting any liability or responsibility for the underlying allegations.



9. Having heard the learned counsel for the parties and perused the record, we find that the record reveals that petitioner Narendra Kumar Rakeshia initially instituted Writ Petition No. 28216 of 2024 against CMO Sanjay Mishra, seeking issuance of a writ of mandamus directing the Lokayukt to conduct an inquiry into his complaint. A Vakalatnama was filed on behalf of the petitioner by Advocate Amitabh Gupta. The said writ petition was disposed of with liberty to the petitioner to institute a fresh petition in the event no action was taken by the competent authority within a period of three months.

10. Thereafter, the petitioner filed Writ Petition No. 14372 of 2025, wherein this Court directed the competent authority to decide the petitioner's complaint within 45 days.

11. Subsequently, Writ Petition No. 21940 of 2025 came to be filed by another complainant, Prahlad Sahu, seeking substantially similar relief in relation to a separate complaint. In the said proceedings, a Vakalatnama was filed by Advocates Amitabh Gupta and Shikha Sahu. Subsequently, Advocate Amitabh Gupta issued a No Objection Certificate (NOC) in favour of Advocate Alok Vaghricha and ceased to appear on behalf of the appellant/petitioner.

12. By the impugned order, the writ court dismissed the writ petition, holding that the proceedings constituted a misuse of the extraordinary writ jurisdiction of this Court. The Court observed that the petition represented the third round of litigation arising out of the same dispute and pursued through the same counsel. Consequently, the writ petition was dismissed



with costs.

13. Thereafter, the writ petitioner preferred a review petition containing allegations against the Deputy Advocate General, alleging that he had protected respondent Sanjay Mishra and that such conduct was contrary to legal ethics and Section 8 of the Advocates Act. The record, however, discloses no factual foundation whatsoever for these allegations. The Deputy Advocate General neither filed any Vakalatnama on behalf of respondent Sanjay Mishra nor appeared as his counsel. He merely discharged his duty as a law officer by assisting the Court and bringing to its notice that the matter represented the third round of litigation concerning the same dispute. Such assistance rendered to the court cannot, by any stretch of imagination, be construed as professional misconduct or a violation of legal ethics.

14. Upon consideration of the pleadings and the record, we find that no cause of action arises against the Deputy Advocate General. The allegations levelled against him are wholly unsupported by any factual foundation. The record clearly demonstrates that the Deputy Advocate General neither filed any Vakalatnama on behalf of respondent Sanjay Mishra nor appeared as his counsel. He merely discharged his official duties as a Law Officer by assisting the Court and apprising it that the present proceedings constituted the third round of litigation concerning the same dispute. Such assistance to the Court, rendered in the bona fide discharge of official functions, cannot be construed as professional misconduct, a breach of legal ethics, or a violation of Section 8 of the Advocates Act. Consequently, the allegations against the Deputy Advocate General are



devoid of merit, and no cause of action whatsoever is made out against him.

15. Accordingly, the writ appeal stands dismissed. The order dated 24.06.2025 passed by the learned Single Judge in W.P. No. 21940/2025 is hereby affirmed. No direction for issuance of a writ of mandamus or for deciding the complaints of the appellant is warranted in the present proceedings. No order as to costs.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

MSP