IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ALPESH Y. KOGJE,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 4th OF NOVEMBER, 2026

WRIT PETITION No. 21068 of 2019

CNR No.: MPHC010502662019

RISHI PARASHAR

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Krishna Kumar Pandey - Advocate with Ms. Ashmita Chand - Advocate for the petitioner.

Dr. Siddharth Singh Chouhan - Government Advocate for the respondents/State.

Shri Alok Vagrecha - Advocate with Shri Abhinesh Soni Advocate for the intervenor.

ORDER

Per. Hon'ble Shri Justice Alpesh Y. Kogje, Chief Justice

The petitioner has filed the present petition under Article 226 of the Constitution of India, seeking the following reliefs:-

> *"(1) Direct the respondents to produce the entire layout plan (An.-P/1 & P/2) for perusal of this Hon'ble Court.*
> *(2) Direct the respondents to produce the entire proceedings relation to letter and report (Ann.-P/16 & P/17) dated 11.06.2019 and 24.06.2019 for perusal of this Hon'ble Court.*

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(3) After looking to the entire procedure kindly set aside the entire proceedings in relation to (Ann .- P/16 & P/17)
(4) Direct the respondents to construct the Patan Kanera project according to (Ann .- P/1 & P/2) layout within stipulated period.
(5) Direct the respondents to stop the entire exercise relation to Ann .- P/16 and P/17.
(6) Set aside the order dated 16.09.2019 and direct the respondent to construct the dam according to inspection dated 20.06.2018 and project prepared according to Ann.- P/2 notified by the Government dated 26.02.2018.
(7) Direct the respondent No. 1 to appoint one independent inspection to produce the inspection report before cancelling the Ann .- P/1 & P/2 sanctioned plan project.
(8) Grant any other relief as deemed fit and proper in the circumstances of this case."

2. The Court may refer to the previous petition being W.P. No.13382/2019 with regards to the Patan Kanera Irrigation Projects which came to be disposed of vide order dated 19.07.2019 directing the petitioner to file a fresh representation to the respondent No.1 therein which to be decided alongwith the objections, if any, within a stipulated period and take into consideration the reports of 1980 as well as 2018.

3. The reports would indicate that on 16.03.1981, the Executive Engineer, Water Resources Survey Division, Seoni, had inspected the site of the Kanera Project, and pursuant to such inspection, the proposed site was earmarked in the Topo Sheet. It further appears that the site was again inspected in the year 2015 and the relevant information in this regard was uploaded on the departmental portal. The Government accorded sanction to the Project on 16.11.2015. The detailed survey particulars of the selected site had already been recorded in Topo Sheet No. 55N/6, on the basis of the inspection report dated 16.03.1981. It is also found that administrative approval for providing irrigation facilities to an area of 410 hectares, at an

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estimated cost of Rs. 948.35 lakh, was accorded by the State Government vide order dated 02.11.2017. Pursuant thereto, the work was entrusted to the contractor, namely, M/s Arjun Singh Baghel, under the agreement dated 29.01.2018. Thus, a conjoint reading of the aforesaid inspection reports and the relevant documents on record makes it evident that the site selected for construction of the dam in the inspections conducted in the years 1981 and 2015/2016 was one and the same, and that there had been no change in the location of the proposed dam.

4. It appears that it was an important project for water resources in the district of Seoni which has not progressed at all. Apparently, in view of the pendency of the present petition filed in the year 2019, the Court may refer to an application (I.A. No.21410/2024) dated 19.11.2024, which is an application filed by the petitioner for converting to P.I.L. with a prayer to allow the application and to convert the petition to Public Interest Litigation in the interest of justice.

5. This Court passed an order on 19.11.2024, which reads as under:-

> *"It appears that petitioner is not having any personal interest in the matter and the present petition has been filed in the interest of public at large.*
> *Counsel for the petitioner submits that the petitioner has already filed an application/ IA No. 21410/2024 for converting the present petition into Public Interest Litigation.*
> *Considering the pleadings of the petitioner, aforesaid IA is allowed.*
> *Office is directed to treat the present petition as PIL and place before appropriate Bench."*

6. In view of the aforesaid order, the petition was listed as a P.I.L. and when the matter was taken up by this Court on 06.10.2026, after some

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arguments, the matter was ordered to be listed today (04.11.2026) with the time specified at 2:30 p.m. However, today, an application bearing I.A. No. 25128/2026, dated 26.10.2026, seeking conversion of the present P.I.L. into a private petition under Article 226 of the Constitution of India, is listed for consideration, with the following prayer:-

> *"a) Allow the application &*
> *b) permit the petitioner to convert/reclassify the present Public Interest Litigation into a regular writ petition under Article 226 of the Constitution of India, in accordance with law;*
> *c) Direct the Registry of this Hon'ble Court to carry out the necessary changes in the classification and registration of the case and assign a regular writ petition number, as deemed appropriate; in the interest of justice."*

7 . The Court is at pains to observe that an important project, like setting up of a dam for larger public interest, has been stalled since 2019 by filing of this petition. And though the project has stood the test of technicalities, and that too pending the petition, and when the matter is at the verge of the conclusion, an application is made, exactly contrary to a previous application, for treating the present petition to be a petition with private interest, not realizing the harm that the litigation has already caused to the public interest.

8. As the learned counsel is seeking permission to withdraw the petition, the Court is refraining from making strict observations against the petitioner, however, deems it fit to impose cost of Rs.10,000/- (Rupees Ten Thousand) upon the petitioner for the abuse of the process of law.

9. With the aforesaid observations, the petition is ***disposed of as withdrawn*** with a cost of **Rs.10,000/- (Rupees Ten Thousand Only)** to be

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paid by the petitioner in the account of the M.P. State Legal Aid Services Authority within a period of 30 days from today and a compliance report is to be submitted before the Registrar (Judicial).

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

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