

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 6278 of 2025

(BASUDEV CHATTERJEE Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 12-08-2026

*Shri Anubhav Singhal - Advocate and Shri Deepak Kumar Pandey -
Advocate for the petitioner.*

*Shri Prashant Singh - Advocate General with Shri Swapnil Ganguly -
Deputy Advocate General for the respondent/State.*

*Shri Kailash Chandra Ghildiyal - Senior Advocate with Shri Karnik
Singh - Advocate as amicus curiae and Shri Anshuman Singh - Advocate as
amicus curiae.*

*Shri Manish Rastogi, ACS, Finance appeared through video
conferencing and Shri Mukesh Kumar, Secretary Law appeared through
video conferencing.*

The present Public Interest Litigation has been filed under Article 226 of the Constitution of India by the petitioner, an Advocate and Sanyojak of Jila Vikas Manch, Anuppur, seeking appropriate directions for construction of a new District Court building at Anuppur having 14 Court Rooms.

2. The petitioner submits that Anuppur, a tribal-dominated district declared as a civil district in 2009, and since then continuously functioning in the old rented building, which lacks adequate space and infrastructure. According to the petitioner, the existing facilities cause considerable inconvenience to advocates, litigants and members of the public attending

the Court.

3. It is pleaded that the High Court of Madhya Pradesh, Jabalpur, vide memorandum dated 03.02.2021 (Annexure P-1), directed the Principal Secretary, Law and Legislature Department, to take prompt action regarding the pending administrative and financial sanction for construction of the proposed new District Court building at Anuppur having 14 Court Rooms. The District Bar Association, Anuppur, thereafter submitted representations dated 25.08.2021 and 01.07.2024 requesting sanction for construction of the new Court building and pointing out the inadequacy of the existing infrastructure.

4. The respondents, however, vide communications dated 17.11.2021 (Annexure P-3) and 30.05.2023 (Annexure P-4), informed the petitioner that the estimates relating to construction of various District Court buildings recommended by the High Court, including the proposal concerning Anuppur, were pending for approval due to lack of budgetary allocation. It was stated that approval could be issued when budgetary resources became available and after approval by the competent financial committee.

5. The petitioner thereafter submitted a further representation dated 31.07.2024 (Annexure P-6) to the respondents, asserting that despite the passage of several years since the formation of the district and repeated correspondence, no effective action has been taken for improvement of the judicial infrastructure at Anuppur. The Government of India, Ministry of Law and Justice, Department of Legal Affairs, also addressed a communication dated 18.09.2024 (Annexure P-7) to respondent No.1

requesting that appropriate action be taken in the matter and that the action taken be conveyed to the petitioner.

6. As the petitioner claims that despite the aforesaid representations and communications, the respondents have not taken appropriate steps for sanctioning the budget for construction of the proposed 14 Court Rooms in District Court building, the present petition has been filed seeking a writ of mandamus directing the respondents to take appropriate action for sanctioning the requisite budget and, alternatively, to consider and decide the petitioner's representation dated 31.07.2024.

7. Learned counsel for the petitioner submits that the present petition has been instituted in public interest and concerns the serious inadequacy of judicial infrastructure at Anuppur. It is submitted that the existing District and Sessions Court building is inadequate for the requirements of the district and is causing inconvenience to advocates, litigants and the general public. Despite the High Court's memorandum dated 03.02.2021, directing prompt action regarding the administrative and financial sanction for the proposed 14 Court Rooms building, no effective steps have been taken by the respondents.

8. It is further submitted that the District Bar Association has repeatedly approached the authorities and the respondents themselves, by communications dated 17.11.2021 and 30.05.2023, acknowledged that the proposal concerning the Anuppur District Court building has been pending for want of budget allocation. Learned counsel submits that repeated representations, including the representation dated 31.07.2024, have not

resulted in any effective decision. The petitioner therefore sought directions to the respondents to take appropriate action for the sanction of the budget for the proposed Court building, or, at the very least, to consider and decide the pending representation in accordance with law.

9. Keeping in view the above submissions, on the last date of hearing, we passed the following order:

"Let the Principal Secretary of Finance and Public Works Department and Secretary of Law Department appear through video conferencing before this Court. We expect the learned Advocate General to address this Court to explain as to why adequate budget is not being sanctioned or allocated for the construction of the court building, employees' quarters, and residential quarters of the judicial officers.

The Registrar (Works and Inspection) of the High Court Infrastructure Committee and District Judiciary Infrastructure Committee shall upload the list of the ongoing project of new court building, residential accommodation for judicial officers, DPR /Proposal pending with the State Government for approval of court building and residential accommodation in ERP of this case for perusal of parties."

10. In compliance with the order dated 28.07.2026, Shri Manish Rastogi, ACS, Finance and Shri Mukesh Kumar, Secretary, Law, are appearing before this Court through video conferencing.

11. Learned Advocate General submits that, as per the new SOR, the Evaluation Committee has recommended sanctioning an amount of Rs 45,87,72,036 in its meeting dated 17.07.2026, but due to financial constraint there could be a delay in allocation of funds; he assures that he will personally look into this matter as how this issue can be resolved as early as possible.

12. Apart from the construction of the Court Building in Anuppur, we are concerned about various similar projects which are still pending with the State Government awaiting sanction. The list of all pending projects have been uploaded to the ERP by the Registrar and needs to be given priority by the State Government. We have discussed in detail with the Finance

Secretary about the inadequacy of the fund allocation for ongoing projects in respect of construction of court buildings, residential quarters for Judicial Officers, and employees.

13. Shri Rastogi, ACS Finance, submits that the budget allocated to the Law Department for this year has already been exhausted in two major projects, i.e., construction of 60 Court Rooms in the High Court building at Jabalpur, and M.P. Judicial Officers Academy, Jabalpur. A proposal for enhancement of fund allocation to the Law and Legislative Department in the next financial year 2027-28 needs to be made so that more funds can be allotted for construction of the court infrastructure. We need to remind the government that the judiciary is one of the pillars of democracy and the same cannot be treated as a government department for providing necessary infrastructure. The administration of justice is an essential sovereign function. Adequate judicial infrastructure is not a matter of executive discretion or administrative largesse, but a constitutional duty owed to citizens to ensure access to justice under Article 21. In the **All India Judges' Association case**, the Hon'ble Supreme Court has repeatedly held that financial constraints cannot be pleaded by the executive to deny proper infrastructure, working conditions, and administrative resources to the judiciary. The Court emphasized that the judiciary must have adequate budgetary autonomy to maintain its efficacy and dignity.

14. It is to be noted that the large pendency of cases in courts in major cities like Bhopal, Jabalpur, Indore are due to a lack of court rooms in the court buildings. We can post more judges in these districts Court, but due

to the shortage of space, the cases are not being taken up, due to which the general public is suffering. The criminal cases are not being decided, and in-trial prisoners are lingering in jail. In the District Court Building, Bhopal, there is an acute shortage of court rooms, as compared to the pendency of the cases and sanctioned strength. There is no land available for further expansion within the court campus. Therefore, the respondents are directed to consider allotment of extra land near the existing court building for construction of more courtrooms.

15. The judiciary cannot decide or dispose of the cases unless an adequate number of courtrooms and suitable accommodations are provided to the judicial officers and supporting ministerial staff. The judiciary is totally dependent on the funds allocated by the State Government for construction of the court buildings and residential quarters. The High Court Infrastructure Committee and District Judiciary Infrastructure Committee have already sanctioned various projects of construction of new court buildings/expansion, keeping in view the pendency of the cases, for which there should not be any constraint in allocation of the funds by the government. The necessary funds for infrastructure projects of the judiciary can be met out from the budget of the Madhya Pradesh Public Works Department, which normally undertakes the work of construction as well as maintains all court buildings and residential accommodations of High Court judges, judicial officers and staff.

16. In-charge Principal Secretary of Madhya Pradesh State Law and Legislative Department called a meeting of the Finance Committee on

10.08.2026, in which Shri Anil Kumar Pathak, Secretary, Law and Legislative Department, Smt. Priya Parikh, Financial Advisor of Finance Department, Shri S.L. Suryavanshi, Advisor of Madhya Pradesh State NITI Aayog, and Shri S.R. Baghel, Chief Engineer (Building), PWD, attended to examine the fund allocation to the Law Department but did not consider our concern as stated above.

17. Shri Yugal Raghuwanshi, Registrar (Works & Infrastructure), High Court of M.P. is directed to provide the list of all the pending projects of the High Court and District Courts relating to the infrastructure work to Shri Kailash Chandra Ghildiyal - Senior Advocate and Shri Anshuman Singh - Advocate appointed as amicus curiae who will assist this Court in respect of measures that can be taken in future.

18. Lack of infrastructure in the judiciary is a serious matter, which is directly related to the public at large; hence, more deliberation needs to be done in this matter. We expect that the learned Advocate General will apprise the Hon'ble Chief Minister of this State and will appear on the next date of hearing with a solution.

19. List this case on 30th September, 2026.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE

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