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WP-44683-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANDEEP N. BHATT

ON THE 28th OF OCTOBER, 2026WRIT PETITION No. 44683 of 2026

CNR No.: MPHC020428692026

*M/S BAFGNA HOSPITAL AND ORTHOPEDICS RESEARCH CENTRE
PVT LTD*

Versus

INDORE MUNICIPAL CORPORATION AND OTHERS

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Appearance:

Shri Vibhor Khandelwal - Advocate with Shri Jayesh Gurnani -
Advocate for the petitioner.

Shri Manoj Munshi - Senior Advocate with Shri Shashank Shrivastava
- Advocate alongwith Shri Vikram Malviya - Advocate for the respondent.
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ORDER

Pursuant to the order dated 26.10.2026, Shri Manohar Vishwakarma,
ARO, Law, Indore Municipal Corporation is present before this Court.

2. Matter is heard to some extent.

3. Learned Sr. counsel for the Municipal Corporation after arguing
for some time, upon instructions from the concerned Officer submitted that
the authority is withdrawing the impugned order which is challenged by way
of this petition, as it is apparently bad in law and can be considered as *non-
est*.

4. Considering the statement made at the Bar by the learned Sr.
Counsel, who upon instructions from the concerned authority, who is also



present before this Court, though submitted that the order impugned is being withdrawn, but this Court is reluctant to take a lenient view in the matter by even giving permission to withdraw the proceedings. However, since the Court is of the opinion that ultimately, the grievance of the petitioner can be redressed if the impugned order is withdrawn.

5. Considering this aspect, the purpose of filing of this petition will be served in view of the statement made by the counsel for the respondent that the impugned order dated 30.09.2026 and the subsequent ledger report dated 07.10.2026, will be considered as *non-est* and will be withdrawn.

6. It is painful to note that the respondent authority, who is the statutory authority under the Municipal Corporation Act is required to discharge duty to adjudicate the proceedings which are coming before the authority, in accordance with law within the four corners of law and on the basis of existing provisions of law. In the present case, Section 143, 146 and 153 of the Municipal Corporation Act which stood omitted in the year 2020 are relied upon and thereafter, the order was passed. This shows utter ignorance of the responsible officer who is duty bound to adjudicate the grievance of the concerned person strictly in accordance with law. This situation is clearly disappointing and painful which is not required to be repeated in future.

7. Though the Court has granted permission to withdraw the impugned order in view of the statement made by the learned Sr. counsel. But this Court cannot ignore the fact that due to such erroneous order which is passed in mechanical manner, without applying mind in proper manner



can certainly be considered as exercising jurisdiction by misusing the power vested with the concerned officer which has led the petitioner to knock the doors of this Court by filing the present petition. Due to non-application of mind, apparent grave error was committed by the concerned authority while passing the impugned order, the precious judicial time of this Court is wasted as proceedings are required to be conducted.

8. Considering all these aspects and with a view to set an example, so that in future all the concerned officers of the statutory authorities like the present respondent shall also take all precautions as normally they are filing litigation at the cost of public money, it is a fit case where exemplary cost of **Rs. 1,00,000/- (Rupees One Lac)** is required to be imposed on the erring officer for wasting the judicial time of this Court by passing such order, relying on the irrelevant or non-existing provisions by the authority who is responsible to adjudicate the proceedings.

9. The respondent authority is directed to deposit **Rs. 75,000/-[Rupees Seventy Five Thousand]** in favour of M.P. Legal Services Authority, Indore and **Rs. 25,000/-[Rupees Twenty Five Thousand]** in favour of the petitioner towards cost of litigation within seven days from today.

10. It is further directed that the highest officer of the Corporation shall look into the matter and see that the amount is recovered from the erring Officer and burden of the cost is not required to be borne by the Municipal Corporation. Such exercise is required to be carried out within 15 days from payment of such cost as directed above.

11. It is open for the respondent authority to consider the



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proceedings afresh, strictly in accordance with law. It is further open for the petitioner to agitate his grievance and raise all the contentions available with him and if such proceedings are conducted, it is expected from the concerned authority to conduct the same strictly in accordance with law, by considering the submissions made by the petitioner and material available on record.

12. With the aforesaid direction, petition stands disposed off.

(SANDEEP N. BHATT)
JUDGE

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