



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 28th OF JANUARY, 2026

WRIT PETITION No. 1003 of 2026

SMT SUNITA DEVI RAJAURIYA AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Prakash Braru - Advocate for petitioners.

*Shri Vivek Khedkar -Senior Advocate/AAG with Shri Sohit Mishra - Government
Advocate & Shri Kartik Karara-Advocate for respondents/State.*

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ORDER

Per. Justice Anand Pathak

1. Heard on admission.
2. The instant petition is preferred under Article 226 of Constitution of India in the nature of Public Interest Litigation (PIL) seeking following reliefs:-

(i) That, the respondent no. 1 to 4 may kindly be directed to take appropriate steps and action against the respondent no. 5 to 6 by conducting primary enquiry and conclude it within stipulated time period.

(ii) That, if the authorities are conducting the primary enquiry then till the completion of primary enquiry, the respondent no. 5 and 6 should not hold the present holding post, in the interest



of justices.

(iii) That, if the respondent no. 5 and 6 found guilty in enquiry for misappropriation of public or Nagar Palika Parishad, Dabara Gwalior fund or misusing the power of holding post, then they should immediately removed from their holding post.

(iv) That, if it is found that the respondent no. 5 and 6 are involve in the criminal conspiracy then the criminal case should be registered and they should be prosecuted also appropriate action against the concerning respondent may kindly be taken.

(v) That, if it is found that the respondent no. 5 and 6 is responsible and libel in the misappropriation of the public funds as well as assets, then the amount should be recover with the penal punishment from the guilty respondents.

(iv) That, any other just, suitable and proper relief, which this Hon'ble Court deems fit, may also kindly be granted to the petitioner. Costs be also awarded in favour of the petitioner.

3. It is the submission of counsel for petitioners that petitioners are Councillors of Municipal Corporation Dabra and they are aggrieved by action/inaction of Chief Municipal Officer, Municipal Council, Dabra as well as President, Municipal Council, Dabra, District Gwalior. They are not acting in legitimate manner and causing pilferage to State exchequer; therefore, this petition is preferred. A complaint has been made to Collector, District Gwalior *vide* Annexure P/2 and copy is endorsed to Hon'ble Lokayukta of M.P. However, no action has been taken so far.



4. Counsel for respondents/State opposed the prayer and submits that petitioners have to approach directly to the Hon'ble Lokayukta and same shall be considered by the said authority as per law in terms of judgement of Division Bench of this Court in the case of *Kanhaiyalal Vishwakarma Vs State of M.P. and Others* reported in *2011 (1) MPLJ 472*.

5. Counsel for petitioners, at this stage, fairly submits that they may be permitted to approach the Hon'ble Lokayukta by making a detailed representation, taking all facts and documents on record. However, anxiety of petitioners is early consideration over their representation.

6. Considering the submissions, this petition stands disposed of with a direction to petitioners to approach the office of Lokayukta by filing a detailed representation elaborating all facts supported by documents and if such representation/complaint is preferred before the office of Lokayukta and its establishment, then the same shall be taken care of in accordance with law and necessary instructions shall be issued to S.P., Lokayukta and other authorities for investigation as per law if any cognizable offence is made out.

7. It is expected that necessary consideration shall be carried out within six weeks from the date of receipt of copy of representation along with certified copy of this order.

8. It is made clear that this Court has not expressed any opinion on merits of the case and the same shall be decided on its own merits in accordance with law.



(ANAND PATHAK)
JUDGE

(Dubey)

WP-1003-2026
(ANIL VERMA)
JUDGE