

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

WP No. 50641 of 2025

(MAHESH GARG AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

WP No.50628 of 2025, WP No.247 of 2026 and WP No. 496 of 2026

Dated : 06-01-2026

Shri Ajay Bagadia- Senior Advocate along with Ms. Saily Purandare, Shri Manish Yadav, Shri Ritesh Inani, Advocate for the petitioners.

Shri Rahul Sethi - Additional Advocate General along with Shri Aditya Garg – Government Advocate for the respondent/State.

Shri Rishi Tiwari – Advocate for the respondents/Municipal Corporation.

Issue notice.

Shri Rahul Sethi- Additional Advocate General accepts notice on behalf of the respondent/State.

Shri Rishi Tiwari – Advocate accepts notice on behalf of the Municipal Corporation, Indore.

Issue notice to the other respondents by RAD mode on payment of PF within a week. Notices be made returnable in two weeks.

1. All these writ petitions by way of Public Interest Litigation or in individual capacity relate to the water contamination tragedy of Bhagirathpura (Ward No.11 of Indore Municipal Corporation) and also to the other areas of Indore town raising various grievances of negligence, mismanagement, corrupt and lackadaisical attitude of the administration resulted in causalities.

2. On 31.12.2025, this Court passed an order directing the State and Municipal Corporation, Indore to ensure supply of clean and pure drinking water to

the residents of the affected areas and take all possible steps to supply clean water on regular basis. It was further directed that so far as the treatment of the affected persons who are admitted in various hospitals is concerned, the State will take care of them and they will be given best possible treatment. It was further submitted that since the Municipal Corporation, Indore has already ensured that they will provide clean and portable drinking water in the affected areas and the State has already ensured to provide the best medical facilities to the affected people who are admitted in various hospitals. The State and the Corporation were directed to file a detailed status report on the next date of hearing in which they will clearly mention about all the persons admitted in the hospitals and what medical facilities are being provided to them. A status report was filed by the State Government and the Corporation.

3. Counsel for the petitioners vehemently argued that still the drinking water which is being supplied to Bhagirathpura and the other affected areas is still contaminated water and it is not clean and safe to drink. It is further argued that the affected persons are not getting proper treatment despite the order by this Court. The other issues have also been argued in various petitions stating that prior to the said incident, the complaints were already made by the residents of the said area however, no cognizance was taken on the said complaints, if the cognizance would have been taken and the proper prevention would have been ensured, the incident of Bhagirathpura would not have occurred. It is also submitted that in Indore town water supply is made from the water tank but they cannot be maintained properly.

4. It has also been brought to our notice in one of the petition by the Senior Advocate Shri Ajay Bagadia that Mayor-in-Council had passed the order long back in the year 2022 for laying the new pipeline for supply of drinking water but because of the non- disbursement of the funds by erring officers of the Corporation, the said work could not be carried out. He also argued that in year

2017-2018, 60 samples of the water were taken out from various places of Indore town out of which 59 samples were found to be non-portable. He submitted that despite the said report of M.P. Pollution Control Board, that no action was taken for prevention of rectificatory. He further argued that the erring officers are responsible not only for civil liabilities but also for criminal liabilities; therefore, they should not only be saddled with the heavy compensation but also for the criminal liabilities. The petitioners have prayed for a constitution of a high level committee for inquiry in respect of the incident and also for corrupt and lackadaisical attitude committed by the erring officers.

5. Counsel for the State and the Corporation prays for time to file detailed reply in the matter and also to file further progress status report.

6. Before passing directions, it is relevant to mention here that ‘right to life’ under Article 21 includes “right to clean drinking water” and we find that all petitions fall within the ambit of public health emergency which is enshrined under Article 21 of the Constitution of India.

7. Considering the aforesaid, we find that the issues are to be categorized in the following headings:

- a) Immediate and Emergency Directions in respect of the affected persons of the said area.
- b) Preventive and corrective Measures.
- c) Inquiry and Accountability Orders.
- d) Disciplinary and Penal Action.
- e) Compensation of Victims.
- f) Directions to Local Bodies.
- g) Public Awareness and Transparency.

8. For immediate and emergency directions, we direct that the respondents shall ensure

- a) immediate supply of safe drinking waters through tankers/packaged water at government cost to the affected areas.
- b) Stopping the use of contaminated sources (specific pipelines, overhead tanks, bore wells, rivers)
- c) To hold health camps and medical screening for affected residents.
- d) To provide free treatment in government and empanelled private hospitals.
- e) The respondents shall conduct water quality testing at multiple points by the NABL Accredited Laboratories.
- f) Replacement/repair of pipelines (especially where sewer lines and water lines run parallel).
- g) Installation of online water quality monitoring systems.
- h) Chlorination and disinfection protocols.
- i) Long term water safety plan for Indore city.

9. Regarding the other issues of inquiry, accountability, compensation to victims and penal actions, that shall be considered after filing of the reply by the respondents.

10. That the issue of water contamination is not only problem of the Indore town but it is problem of the entire State and therefore, we direct the Chief Secretary of the State of Madhya Pradesh to address this Court through Video Conferencing on the aforesaid following issues which have been mentioned herein above in the order on the next date of hearing and will apprise this Court that what actions at the State level are being taken for preventing the water contamination in the entire State so as to prevent the similar incident in other places.

11. It shall be the duty of the Commissioner – Indore, Collector – Indore, Commissioner Municipal Corporation, Health Officer of Corporation- Indore, Chief Medical and Health Officer, Chief Engineer of PHED and also Joint Director

– Urban Development – Indore to ensure that the interim directions of this Court regarding the immediate supply of safe drinking water, stocking of huge contaminated sources, health camps and medical screening and free treatment are strictly complied with before the next date.

12. The respondents will also produce the relative files relating to the issuance of the tender for fresh pipelines for drinking water and also the report of M.P. Pollution Board in respect of the samples which were conducted in the year 2017-2018.

List the matter of 15th January, 2026.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE

jyoti