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WP-36416-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,  
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 27<sup>th</sup> OF FEBRUARY, 2025

WRIT PETITION No. 36413 of 2024

*KISHORE DEEPAK KODWANI AND OTHERS*

*Versus*

*STATE OF M.P. AND OTHERS*

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Appearance:

Shri Amit S. Agrawal Senior Advocate (amicus curiae) With Arjun Agrawal - Advocate for the Petitioners in the respective cases.

Shri Ajinkya Dagaonkar - Advocate for the Petitioner in the respective cases through V.C..

Shri Kishore Deepak Kodwani - Petitioner in person in the respective cases through V.C.

Shri Prashant Singh - Advocate General with Shri Amit Seth, Additional Advocate General, Shri Abhijeet Awasthi, Deputy Advocate General and Shri Ritwik Parashar - Government Advocate for the Respondent/State in the respective cases.

Shri Anand Soni - Additional Advocate General, Indore for the Respondent/State in the respective cases through V.C.

Shri Ashutosh Gondli - Advocate for Respondent No.2 and 4 in the respective cases through V.C.  
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WITHWRIT PETITION No. 36416 of 2024***KISHORE DEEPAK KODWANI AND OTHERS****Versus****SHRIMAN MUKHYA SACHIV AND OTHERS***

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ORDER

*Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice*

The instant Petition (PIL) has been filed purportedly in the nature of PIL questioning the utility and necessity of construction of Bus Rapid Transit System (BRTS Corridor) in the city of Indore.

2. Pursuant to Order dated 23rd September, 2024, following five members committee was constituted:-

1. Shri Amit S Agrawal - Senior Advocate - Chairman/Convener of the BRTS Expert Committee.
2. Professor Sandeep Choudhary, nominee of IIT, Indore.
3. Dr. Gaurav Singh, nominee of IIT, Indore.
4. Professor Rajhans Mishra, nominee of IIM, Indore.
5. Shri Ashish Asati, Chief Engineer, Regional Office (T & RO), Madhya Pradesh and Chhattisgarh, Ministry of Surface and Road Transport, Bhopal.
6. Shri Anshul Agrawal, Civil Engineer and Advisor to Indore Traffic Engineering Group.

3. In the report of said commission, it is concluded that in the subsequent events and changes in the Govt. policy, huge increase in volume of traffic and everyday traffic congestion in both sides of the BRTS Corridor has persuaded the Committee to conclude that BRTS Corridor has lost its utility in the present day scenario.

4. The State Govt. has also filed its affidavit dated 27.02.2025 whereby it is stated as under:-



*"3. It is pertinent to mention here that during the past 12 years, various developments have taken place in the city of Indore. The population has enhanced manifolds and the city has also expanded to a large extent.*

*4. On account of the aforesaid, the continuation of BRTS corridor in the city of Indore in present circumstances is resulting in continuous and regular traffic jams particularly during the opening and closing hours of the offices and other market places, etc.*

*5. On account of regular traffic jams occurring in the city of Indore, adversely affecting the interest of the public at large, though, initially the writ petition was resisted by the answering respondents by filing replies justifying the construction of BRTS corridor in the city of Indore however, now in the change circumstances, a policy decision has been taken to remove the BRTS corridor and instead, construct a series of 7 flyovers so that, 2 parallel roads for mobility of traffic may be made available over the area in question wherein, the BRTS corridor is operational at present. The proposed series of flyover to be constructed would be having appropriate junctions at appropriate distances so that, free flow of traffic mobility is ensured and minimum difficulty is caused to the general public at large moving on the said roads.*

*6. It is further pertinent to mention here that in furtherance of the aforesaid policy decision, the feasibility report of the existing BRTS corridor has also been called for by the answering respondents for which, the work order has already been issued on 03.01.2025 and the feasibility report in the said regard is expected by second week of March, 2025. The copy of the work order dated 03.01.2024 is filed herewith as Annexure IA/1.*

*7. In the scenario which was prevalent in the year 2013, the utility of the BRTS corridor in the city of Indore was very much necessitated however, by afflux of time, now in the change*



*circumstances the utility of the BRTS corridor in the city of Indore prima facie appears to be have worked out however, the final decision in the matter would depend upon the feasibility report which is awaited.*

*8. It would thus be seen that by afflux of time and changed circumstances, the answering respondents have themselves taken a policy decision for removal of BRTS corridor from the city of Indore for which, the appropriate exercise has already been initiated by the answering respondents and therefore, the relief claimed by the petitioner in the instant writ petition stands worked out and now there remains nothing for adjudication in the present writ petition and accordingly, the same deserves to be disposed of as having being rendered infructuous."*

5. Since the Petitioners, the Committee and the respondent/State is of the view that the BRTS Project in Indore city is of no use and accordingly, the State and stake holders are directed to remove the same as per the policy decision already taken by the respondent/State. The respondent/State shall take steps accordingly.

6. With the aforesaid directions, the petition is **disposed of**.

7. Pursuant to Order dated 11.02.2025, Shri Amit S Agrawal, Senior Advocate and Chairman of the Committee with Shri Arjun Agrawal, Advocate is present physically in the Court today and has assisted the Court. We appreciate the assistance rendered before this Court.

8. Writ Petition No.36416/2024 has been filed in which various consequential prayers are made in the matter of maintaining status quo on the BRTS Corridor, removal of BRTS corridor, removal of Bus-stand of AICTL, stoppage of illegally flying buses in the BRTS corridor and initiating enquiry into the matter.



9. In view of the Order passed in Writ Petition No.36413/2024 passed today whereby directions have been issued to remove the BRTS Corridor as per the policy decision taken by the State, no further Orders are required in the present petition.

10. This petition is also **disposed of** in similar terms.

(SURESH KUMAR KAIT)  
CHIEF JUSTICE

(VIVEK JAIN)  
JUDGE

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