

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 247 of 2026

(PRABHAT PANDEY Vs THE STATE OF MADHYA PRADESH AND OTHERS)

WP/50628/2025, WP/50641/2025, WP/50646/2025, WP/496/2026

Dated : 27-01-2026

Shri.Ajay Bagadia - Sr. Advocate with Ms.Saily Purandare for the petitioner in WP No.247/2026, Shri Aditya Pratap Singh - Advocate for the petitioner in WP No.50628/2025, Shri.Manish Yadav - Advocate for petitioner in WP No.50641/2025, Shri M.S Chandel, learned counsel for the petitioner in WP No.50646/2025, Shri Ritesh Inani, learned counsel for the petitioner in WP No.469/2026.

Shri Peyush Jain, learned counsel for the respondent no.3 in WP No.247/2026.

Shri Rishi Tiwari, learned counsel for the respondent/IMC.

Shri Kapil Duggal, learned counsel through VC alongwith Shri Tanishq Patel, learned counsel for the respondent no.2.

Shri Anil Ojha, learned counsel for the petitioner in WP No.50628/2025.

Shri Neeraj Kumar Soni, Shri Vibhor Khandelwal and Shri Rishi Anand Choukse, learned counsel for the intervenor in WP No.50628/2025.

Shri Rahul Sethi and Shri Ashish Yadav, learned AAG with Shri Sudeep Bhargava, learned Dy.AG, Shri Shrey Raj Saxena, learned Dy. AG and Kushagra Singh, learned Dy. AG with Shri Aditya Garg, learned G.A for the respondent/State.

Heard on IA Nos.632/2026 and 838/2026, which are applications for taking documents on record.

For the reasons stated in the applications, both applications are allowed.

The documents are taken on record.

WP No.50641/2025

Heard on IA No.839/2026, which is an application for taking progress report filed by IMC.

For the reasons stated in the application, IA No.839/2026 is allowed.

The progress report is taken on record.

WP No.50646/2025

Heard on IA No.840/2026, which is an application for taking progress report filed by IMC on record.

For the reasons stated in the application, IA No.840/2026 is allowed.

The progress report filed by the Indore Municipal Corporation is taken on record.

WP No.247/2026

Heard on IA No.559/2026, which is an application for impleading Indore Municipal Corporation and Collector, Indore as parties.

Considering the nature of the petition, the application is allowed.

The aforesaid respondent be impleaded as respondent.

Since the Corporation is already being represented in the other connected matter by Shri Rishsi Tiwari, Advocate, no PF is required to be paid.

The notice is accepted by Shri Rishi Tiwari - Advocate.

Since the officials of respondents are already represented by State counsel, therefore, no PF is required to be paid to the newly added Collector, Indore.

Common Order in all Writ petitions

All these writ petitions by way of Public Interest Litigation or 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, resulting in casualties.

After hearing all the parties and considering that "Right to life" includes "Right to clean drinking water" and finding that all petitions fell within the ambit of public health emergency which is enshrined under Article 21 of the Constitution of India, we categorise the issues in following headings in Para 7 and passed interim directions in Para 8 which are quoted as under:-

- "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 water 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."*

Para 10 being relevant is also quoted:-

"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."

In compliance with the said order, the compliance reports have been filed by the State Government and Indore Municipal Corporation. According to them, the interim directions are being complied with strictly, and a High Level Committee has been appointed to inquire into the causes of contamination of drinking water in Bhagrathpura and for measures required for prevention of resources of such incidents and also to ascertain the accountability of responsible officers/employees.

Per contra, learned counsel for petitioners seriously disputed the aforesaid interim reports submitted by the State government and Indore Municipal Corporation. They argued that on the ground level, still the

supply of drinking water as per directions (a), (d), and (e) is not being complied with. They filed a number of media reports published in the newspaper and also referred to averments in the petition or in the intervention applications filed by the residents of the said area. They also argued that the appointment of the so-called High Power Committee is nothing but an eyewash and to save the officers and employees who are responsible and negligent in the said incident. They also argued that if an independent enquiry is not ordered, the relevant records will be either destroyed or tampered. It is argued that even the number of deaths because of the contaminated water in the said area is not certain. According to the petitioners the death toll is 30.

The State has filed today the death audit and analytical reports. According to the said report, which is based on the report of a Committee constituted by order dated 3.1.2026, comprising various doctors working in the posts of Associate Professors and Assistant Professors. According to the said report, out of 23 deaths, 16 are on account of the water contamination (epidemic). About the other deaths, the report is death probability related to the epidemic is inconclusive.

The counsel for petitioners has drawn our attention to the said report and pointed out that the reason for the probability of death being inconclusive is without basis. The remarks which are mentioned in the table for the inconclusive death probability related to the epidemic are the same which is mentioned for the conclusive. It is further argued that the report is based on information, case sheets, and verbal autopsy provided by the

CMHO and RJD Health offices. We asked the State what a "verbal autopsy" is, but they could not explain what is a "verbal autopsy" and further, they could not show any material before us for the death audit and analytical report.

Thus, considering the serious issue concerning contamination of the drinking water supply in the Bhagirathpura area of Indore, which allegedly results in widespread health hazards to residents, including children and elderly persons. According to the petitioners and media reports death toll is about 30 till today, but the report depicts only 16 without any basis or record.

It is averred that sewage mixing, leakage in the pipeline, and failure of civic authorities to maintain portable water standards have led to the outbreak of water-borne diseases. Photographs, medical reports, and complaints submitted to the authorities prima facie indicate a matter requiring urgent judicial scrutiny.

Considering the gravity of the allegation and affecting the right to life under Article 21 of the Constitution of India and the need for an independent fact-finding exercise, the Court is of the opinion that the matter requires investigation by an independent, credible authority.

Accordingly, we appoint Justice Sushil Kumar Gupta, Former Judge of Madhya Pradesh High Court, a one-man commission of inquiry into the issues relating to water contamination in Bhagirathpura, Indore, and its impact on other areas of the city.

Terms of reference:

The Commission shall inquire into and submit a report on the following:-

[1] Cause of contamination:-

[i] Whether the drinking water supplied to Bhagirathpura was contaminated?

[ii] Source and nature of contamination (sewage ingress, industrial discharge, pipeline damage etc.).

[2] Public Health Inputs

[iii] Number of actual deaths of affected residents on account of contaminated water.

[iv] Nature of disease reported.

[v] Adequacy of medical response and preventive measures.

[vi] Immediate steps required to ensure safe drinking water.

[vii] Long-term infrastructural and monitoring reforms.

[viii] To identify and fix responsibility upon the officers and officials found prima facie responsible for the Bhagirathpura water contamination incident.

[ix] Suggest guidelines for compensation to affected residents, particularly vulnerable sections.

Power of the Commission

The Commission shall have powers of a Civil Court for the purpose of:

[i] Summoning officials and witnesses.

[ii] Calling up records from the Government department, hospitals, laboratories and civic bodies.

[iii] Ordering water quality testing through accredited laboratories.

[iv] Conducting spot inspections.

All State authorities involving district administration, Indore Municipal Corporation, Public Health Engineering department and Madhya Pradesh Pollution Control Board shall extend full co-operation and provide records as sought by the Commission.

The State Government shall provide office space, staff, and logistical support to the Commission.

The Commission shall submit an interim report after four weeks from the

date of commencement of proceedings.

The respondents are directed to ensure compliance with the following directions in addition to the earlier interim directions contained in para 8 of the order dated 6.1.2026:-

[i] Daily water quality testing.

[ii] Medical camps to be conducted by the health department.

List after four weeks on 05.03.2026.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE

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