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WP-33832-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 26th OF AUGUST, 2025WRIT PETITION No. 33832 of 2025*SONILA MIMROT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Jayesh Gurnani - Advocate for the petitioner.

Shri Amit Bhatia - Govt. Advocate for the State.

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ORDER

By this petition preferred under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

"7.1. That, this petition may kindly be allowed and the respondent no. 4 to 6 may kindly be declared disqualified from continuing as councillor of IMC for their remaining term on the ground of committing defection ;

7.2. That, without prejudice to the aforesaid, the respondent no. 1 to 3 may kindly be directed to decide the pending representation dated 20.05.2024 filed by the petitioner within 7 days by passing a reasoned and speaking order in accordance with law ;

7.3. That, the cost of instant petition may also be awarded to the petitioner and any other relief which this Hon'ble Court deems fit in the interest of justice, equity and good conscience may also be granted to the petitioner."

02. Learned counsel for the petitioner has submitted that the petitioner is an elected Councillor of Indore Municipal Corporation from Ward No.45. Respondents No.4 to 6 are also elected Councillors. After winning the election, they have given up their membership in their party and have joined a different party. They have hence rendered themselves disqualified from



continuing as Councillor of the Corporation. The petitioner has already preferred an application before the State Government in terms of Section 17(3) of M.P. Municipal Corporation Act, 1956 but no action thereupon has been taken as yet despite lapse of a period of 15 months hence the petitioner has been forced to approach this Court.

03. Learned counsel for the petitioner has relied upon the judgments in the cases of *Rajesh Awasthi Vs. Nand Lal Jaiswal and Others* 2013 (1) SCC 501, *Gambhirdan K. Gadhvi Vs. State of Gujarat and Others*, 2022 (5) SCC 179, *Ravi S. Naik Vs. Union of India and Others*, 1994 Supp (2) SCC 641 and other connected petitions, *Grid Corporation of Orissa Ltd. and Others Vs. Eastern Metals and Ferro Alloys and Others*, 2011 (11) SCC 334, *Keisham Meghachandra Singh Vs. Speaker, Manipur Legislative Assembly and Others*, 2021 (16) SCC 503 and of this Court at Gwalior Bench in W.P. No.284/2008(S) (*Lalan Thakur Vs. State of M.P. and Others*) decided on 21.08.2008 and at Principal Seat Jabalpur in W.P. No.17520/2022 (*Rakesh Chouksey Vs. State of M.P. and Others*) decided on 09.05.2024 to contend that a writ petition of quo warranto can also be directly preferred before this Court for seeking the relief of declaration that vacancy has occurred on account of disqualification of respondents No.4 to 6.

04. No doubt such a petition can certainly be preferred but it is also observed that this petition has not been preferred before this Court straightaway but instead the petitioner first resorted to the provisions of Sub-Section (3) of Section 17 of the Act, 1956 by preferring an application before the State Government. That application is admittedly pending and has



not been withdrawn by the petitioner. For claiming a relief only one remedy can be resorted to. The remedy of preferring an application has already been resorted to by the petitioner during pendency of which this writ petition is not liable to be entertained as it would amount to continuation of parallel proceedings which would be impermissible.

05. Thus, in the available facts of the case, the competent authority of respondents No.1 to 3/State is directed to advert to the application dated 20.05.2024 (Annexure P/2) of the petitioner and to decide the same in accordance with law by affording due opportunity of hearing to the concerned parties within a period of two months from the date of receipt of certified copy of this order.

06. With the aforesaid, without expressing any opinion on merits, petition stands disposed off.

(PRANAY VERMA)
JUDGE

Shilpa