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WP-35931-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 10th OF SEPTEMBER, 2025

WRIT PETITION No. 35931 of 2025

MR. OM PRAKASH JOSHI AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Abhinav Dhanodkar - Advocate for the petitioners.

Shri Anand Soni - Additional Advocate General for the respondent

No. 1/State.

Shri Amol Shrivastava - Advocate for the respondent No.8.

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ORDER

Per. Justice Vivek Rusia

1. Petitioners have approached this Court as pro bono litigants seeking the direction to the effect that the Hukumchand Mill premises be considered in the category of forest and declare 42 acres as naturally generated protected forest on the former Hukumchand Mill premises. The petitioners are also seeking a declaration that any tender pertaining to Hukumchand Mill premises and the surrounding area that leads to deforestation and felling of trees may be declared illegal and accordingly quashed.

2. The petitioner No.1 is claiming to be a renowned environmentalist and member of senior public intellectuals. The petitioner No.2 is claiming to



be a respected social activist of Indore City. Petitioner No. 2 is a head and administrator of the influential environmental group "Indore Ke Paryavaran Premi Nagrik"; however, its registration number has not been disclosed.

3. The Hukumchand Mill was established on a 42-acre leasehold land given by the Municipal Corporation in the year 1923 to Seth Humkumchand. The production activities were stopped, and the mill was closed in the year 1992, since then, the land of the mill area has been lying vacant. The management of the Hukumchand Mill took a loan by mortgaging this land, but the mill could not restart the production activities. The creditors approached this court by way of a company petition for the winding up of Hukumchand Mill. The Official Liquidator was appointed by the High Court in the Company Petition, who took possession of the immovable property of the Mill. After several rounds of litigation to pay the huge debt of the mill, including wages and terminal benefits of the ex-workers, the Madhya Pradesh Housing Board and Infrastructure Development Board (In short: MP Housing Board) came up with the proposal/offer to purchase the entire land for Rs.421 crores, which could be utilised in discharging the liabilities of the mill. All the concerned parties, including Indore Municipal Corporation, being owners, agreed, and thereafter the High Court passed an order to transfer the land to the M.P. Housing Board on 20.10.2023. The M.P. Housing Board has deposited Rs. 421 Crore with the Official Liquidator, and most of the amount has been distributed to the creditors and ex-workers of the mill. Thereafter the M.P. Housing Board decided to use 60% of the area for commercial purposes and 40% for residential purposes.



In order to implement the aforesaid project, the M.P. Housing Board issued :-

(i) request for proposal for selection of agency for preparation of detailed Master Plan and project report for Hukumchand Mill area at Shivaji Nagar, Indore (M.P.), (ii) E-tender auction for the cutting and removal of **shrubs & bushes, uprooted trees and wood pieces**; (iii) Tender for selection of architect for master planning, designing and preparation for residential towers on Hukumchand Mill land, Indore, and (iv) Tender for the supply, installation, testing and commissioning of street light work of Hukumchand Mill, Indore.

4. A company petition was filed before this court in connection with the winding up of Hukumchand Mill in order to clear the dues and debt. Most of the banks and financial institutions intervened in the said company petition to claim their debt. The Workers Association also approached this Court in the Company Petition No.19/2001 to claim their arrears of salary, retirement dues, gratuity, provident fund, etc. In the company petition, the learned judge found that there was a huge liability in the Crores on the Hukumchand Mill. The Madhya Pradesh Housing Board came up with the proposal to repay all the dues and debts to get possession of the land for its commercial developments.

5. The petitioners and other environmental activists started a protest objecting to the cutting of trees grown by the passage of time in the Hukumchand Mill premises. According to the petitioners, it is a naturally generated forest that serves as a vital green infrastructure asset for Indore. According to the petitioners, in the interest of the residents of Indore city, this green area should be protected by the government by declaring it as a



city forest. However, there is no such concept of city forest under the Indian Forest Act. Admittedly this is not a declared forest on government land. In compliance with the order passed in the Company Petition No. 19/2001, the MPHIDB invested Rs. 421 crores to get ownership of the land. The amount of Rs.421 Crores which was paid by the M.P. Housing Board has already been distributed amongst the creditors and the employees/ex-workers. This entire process of sale of the land and distribution of the money has been going on for the last 4-5 years before the company judge of the High Court. The newspapers have been regularly reporting the proceedings of the company petition in the daily newspaper. None of the petitioners or signatories in this PIL have raised any objection that if this land is sold to the M.P. Housing Board, they will use the same for commercial purposes. Admittedly the land cannot be commercially developed without cutting the trees. The M.P. Housing Board is also a government corporation; hence, the public money that has been utilised for purchasing the mill land for further commercial development cannot be kept vacant without any use. The Board, being a statutory body, shall obtain all the required permission from the competent authority before starting development on the land. Now at this stage the objection of these petitioners cannot be considered that this so-called naturally developed forest in the middle of the city needs to be protected.

6. Even otherwise, the e-tender has been issued by the M.P. Housing Board for the removal of shrubs/bushes/trees having a girth size less than 21 c.m. Condition No. (ii) is reproduced below:-



"(ii) Shrub / bushes / trees having girth size less than 21 centimeter is only allowed to cut and remove from the mill premises."

7. The M.P. Housing Board issued an E-tender - auction for cutting and removal of shrubs & bushes, uprooted trees and wood pieces. There is no such word as "removal of trees". There are some babool trees which have grown by the passage of time, as the entire area has been lying vacant since 1992. Therefore, by the passage of time, the land has been filled by shrubs & bushes and uprooted wooden trees. Therefore, the tender has been issued for the removal of these shrubs & bushes and uprooted wooden trees in 17.52 hectares. The contention of the petitioners that there is a city forest with hundreds of fully grown trees in the Hukumchand Mill has no basis. The Housing Board has not invested a huge amount of money to keep the land vacant for greenery purposes. The State of MP has already taken the decision to develop City Forest by planting 1.00 lakh trees in the Kanadia area of Indore city. Therefore, once the M.P. Housing Board has invested the amount and purchased the land for development, without removing all these shrubs, bushes and uprooted trees, the construction cannot be started. Therefore, at this stage no interference is liable to be made.

8. The petition is **dismissed without notice to the respondents.**

(VIVEK RUSIA)
JUDGE

(JAI KUMAR PILLAI)
JUDGE