

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 49598 of 2025

(AKRAM KHAN AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 10-08-2026

Shri Anil Mishra with Ms. Harshita Mishra - Advocates for petitioner.

*Shri Vivek Khedkar - A.A.G./Sr. Advocate with Shri Rajesh Shukla -
A.A.G. for the State.*

Shri Rajeev Shrivastava - Advocate for respondent No. 11.

Shri Manas Dubey - Advocate for respondent No.12.

*Shri Prashant Sharma - Advocates for respondents Nos. 9, 13, 16, 20, 22,
23, 24, and 27.*

Shri Prakash Bararu - Advocate for respondents Nos. 8, 10, 21.

Shri D.P. Singh - Advocate for intervenor.

Shri Anugrah Gupta - Advocate for respondents No.26 and 28.

It is submitted by counsel for State that Complaint No.188/2026 and 1201/2026 were received against Shri Ghanshyam Yadav by EOW, which are under enquiry. Similarly, it was also submitted that two more complaints were received, which were enquired by the SPE Lokayukt, Gwalior, and the conclusion has been sent to Bhopal for registration of FIR.

It was also submitted by Shri Pankajdhvaj Mishra, the In-charge Mining Officer, that a complaint is also pending against him before SPE Lokayukt about his disproportionate assets.

Under these circumstances, it appears that the EOW and SPE (Lokayukt) through its Director General, are necessary parties. Therefore, they are impleaded as respondents Nos.30 & 31.

It was also submitted by Shri Pankajdhvaj Mishra that weighbridges should be installed at all the relevant places so that the total quantity of minerals which are being excavated and taken out of the mining area can be weighed. It was fairly conceded that, for the time being, there is no weighbridge at any place. It is really surprising that without weighbridges, the Mining Department was allowing the excavated minerals to go outside the mining area.

Whether the non-installation of weighbridges was with an intention to facilitate the miners to commit theft of minerals or not will be considered at a later stage.

It was also suggested by Shri Pankajdhvaj Mishra that 360-degree and high-resolution CCTV cameras can be installed at all the relevant places so that they may cover the entire mining areas and all possible roads which are or can/may be used by dumpers for taking the excavated minerals out of the mining area.

It has also been suggested that the cameras should be night vision cameras having the visibility up to 150 to 300 meters from the place of installation. They should also have weatherproof IP67 /IK10 rating and auto-tracking. It has also been suggested that high-resolution automatic number plate recognition cameras should also be installed so that the registration number of the dumpers moving at a high speed can also be recorded. It is also suggested that the weighbridge should be integrated directly with e-*challan* and e-*khanij* portal in order to check the theft of minerals. Even the areas where the minerals are stored, should be covered by 360-degree PTZ plus fixed cameras. It has also been suggested that every camera must have battery backup so that there may not be any excuse of non-recording of the vital situation on account of so-called load shedding and, for that purpose, solar panels and lithium-ion battery banks with a minimum backup of 24 hours

should be installed. The network connectivity, i.e., 4G/5G cellular router or point-to-point wireless leased line, should directly transmit the data to the control room. The data storage should be at least of 90 days. It has also been suggested that check gate/toll or weighbridge can be installed immediately outside every mine so that theft of minerals and illegal mining can be stopped and checked. It is further submitted that the data of each weighbridge should be automatically transmitted to the center server. It is also mentioned that generally the drivers of the dumpers try to manipulate the registration number of the vehicle by covering the said number with mud so that the number of the dumper cannot be noticed. Accordingly, it was suggested that the manufacturers of the said dumper should be directed to evolve certain methods to avoid the manipulation in the registration number of dumpers. It was also mentioned that generally the drivers of the dumper do not follow the route which is mentioned in the ETP and take the minerals by adopting another route so that the ETP which was already issued can be reused. Accordingly, it has been suggested that it should be made clear that the route which has been provided in the ETP should be used and no other route should be used for transporting minerals.

It was also suggested by the M.O. that the drivers generally change the registration number by replacing the same by fake registration number.

Accordingly, this Court is of the considered opinion that the said misadventure of the owner of the dumpers can be checked of by mentioning the registration numbers of the trucks/dumpers on the top of the cabin as well as on the body of the trucks with a clear direction to the owners of the dumpers that they should ensure that the number does not get covered by any mud or any other material and should always be easily visible.

It was also suggested that at every place only the honest Mining Officer should be posted with no tainted background.

It was also submitted by Shri Mishra that the RTOs are also responsible for the maintenance of the roads. Accordingly, according to Mishra, RTO Gwalior, RTO Datia, RTO Morena, RTO Bhind, RTO Shivpuri are also necessary parties.

Accordingly, RTO Gwalior, RTO Bhind, RTO Shivpuri, RTO Morena, RTO Datia, are impleaded as respondents Nos. 32 to 36.

Let the necessary amendment be carried out by counsel for petitioner during the course of the day.

With the permission of the Court, the necessary amendment was carried out.

Shri Rajeev Shrivastava, in anticipation of his appearance on behalf of EOW, seeks permission of this Court to withdraw his vakalatnama on behalf of respondent No.11.

Accordingly, the vakalatnama filed by Shri Rajeev Shrivastava on behalf of respondent No.11 is permitted to be withdrawn. However, the names of the counsel which are mentioned in the same vakalatnama shall continue to represent respondent No. 11.

It is not out of place to mention here that initially this Court had tried to watch the aerial videography which was provided to this Court in pendrive, but after running File No.1, it was realized that the Collector, Gwalior, is not present and at any stage, her reply may be required, therefore, the screening of pendrive was stopped and it has been resealed in the presence of all the counsel.

Since it is already 06:01 p.m. and the CCTV footage of aerial videography and the CCTV footage of toll booth situated near the Bilowa Police Station could not be run, therefore, the suggestions given by the M.O. shall be considered on the

next date of hearing.

Looking to the time which may be consumed by this Court, we think it appropriate to prepone the working of this Bench and, accordingly, it is directed that tomorrow, the Court proceedings would start at 09:30 a.m.

The case shall be taken up at 09:30 am, irrespective of serial number at which it might be listed.

Since this Court has already made the Collector, Gwalior, responsible for every mistake which will be detected, therefore, this Court is of the considered opinion that if the Collector, Gwalior, wants the opportunity of hearing, then tomorrow she may remain present during the Court proceedings and if she does not want to remain present, then she will not be given any further opportunity to explain any conduct in her defence.

List on 11.08.2026 (tomorrow).

(G. S. AHLUWALIA)
JUDGE

(ANURADHA SHUKLA)
JUDGE

Aman