

(2024) 05 MP CK 0075
In the Madhya Pradesh High Court
Case No : Writ Petition No. 12309 Of 2024

Anil

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 08-05-2024

Acts Referred:

Constitution Of India, 1950 — Article 226

Madhya Pradesh Rajya Suraksha Adhiniyam, 1990 — Section 5(a), 5(b), 9

Citation : (2024) 05 MP CK 0075

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Makbool Ahmad Mansoori, Bharti Lakkad

Final Decision : Partly Allowed/Disposed Of

Judgement

Subodh Abhyankar, J

1. This writ petition has been filed by the petitioner under Article 226 of the Constitution of India against the order dated 30/04/2024 (Annexure P/1) passed by the District Magistrate, Mandsaur (M.P.) in an externment Case No.109/ Externment/2024, whereby, the District Magistrate while exercising its powers under Section 5 (a) and 5 (b) of the M.P. Rajya Suraksha Adhiniyam, 1990 (hereinafter referred to as Adhiniyam, 1990) has externed the petitioner from District Mandsaur and others Districts namely Neemuch, Ratlam, Ujjain, Agar Malwa and Shajapur for a period of three months.

2. Counsel for the petitioner has drawn the attention of this Court to the map of State of Madhya Pradesh (Annexure P-4) from which it is apparent that the Districts Ujjain, Agar Malwa and Shajapur are not contiguous to District Mandsaur, thus, it is submitted that the District Magistrate has no jurisdiction to extern the petitioner from the aforesaid districts.

3. Counsel for the respondent/State submits that the jurisdiction of the District Magistrate is confined to contiguous district only. However, it is submitted that

the petitioner has a remedy of appeal under section 9 of the Adhiniyam, 1990 before the Divisional Commissioner.

4. On due consideration, on perusal of the documents filed on record and also taking note of the fact that the District Magistrate has clearly exceeded in his jurisdiction in directing that the petitioner be externed from the District Ujjain, Agar Malwa and Shajapur which are not contiguous ,i.e, not sharing the common border with District Mandsaur, and the fact that the externment order was only for three months out of which the petitioner has completed around 15 days, this court is inclined to partly allow the present petition, and it is directed that the impugned order dated 30.4.2024 so far as it relates to District Ujjain, Agar Malwa and Shajapur shall stand quashed, however, so far as the remaining part of the impugned order which relates to the District Mandsaur, Neemuch and Ratlam is concerned, the petitioner shall be at liberty to file an Appeal before the Divisional Commissioner under Section 9 of the Adhiniyam, 1990 which shall be filed within a period of 15 days, and till the appeal is finally decided, the operation of the impugned order dated 30.4.2024 shall remain stayed.

5. Accordingly, the writ petition stands partly allowed and disposed of.