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**(2023) 11 MP CK 0017**  
**In the Madhya Pradesh High Court**  
**Case No : Writ Petition No. 28366 Of 2022**

Bhoora Jatav

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

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**Date of Decision :** 07-11-2023

**Acts Referred:**

Constitution Of India, 1950 — Article 226

Madhya Pradesh Rajya Suraksha Adhiniyam, 1990 — Section 9

**Citation :** (2023) 11 MP CK 0017

**Hon'ble Judges :** Milind Ramesh Phadke, J

**Bench :** Single Bench

**Advocate :** Prem Singh Bhadoria, P.S. Raghuwanshi

**Final Decision :** Disposed Of

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## Judgement

Milind Ramesh Phadke, J

The present petition under Article 226 of the Constitution of India has been filed against the order dated 19.10.2023 passed by District Magistrate, District Morena in externment Case No.11/2023, whereby the petitioner has been directed to be externed for the period of one year from the District of Morena and the adjoining Districts of Gwalior, Bhind, Sheopur and Shivpuri.

At the outset, learned Government Advocate had objected with regard to maintainability of the present petition, in wake of availability of alternative remedy to approach Commissioner by way of an appeal under Section 9 of M.P. Rajya Suraksha Adhiniyam, 1990. It was submitted that the present petition is not maintainable as the remedy of appeal is available to the petitioner against the order passed by District Magistrate, thus, he prayed for dismissal of the present petition.

Encountered with this objection, learned counsel for the petitioner prays for liberty to assail the order impugned herein before the Commissioner in appeal. It was prayed that due to the ensuing elections of legislative assembly of the State,

he apprehends that the appeal preferred by the petitioner would not be heard at an early date, therefore, he had made limited prayer that suitable directions may be issued to the Commissioner to conclude the appeal within a short span.

Looking to the aforesaid prayer made by the counsel for the petitioner, the petition is disposed of with the liberty to the petitioner to assail the order passed by District Magistrate dated 19.10.2023 in appeal before the Commissioner and in turn the Commissioner is directed to conclude the said appeal within a period of three weeks from today.

With the aforesaid direction, the petition stands disposed of.