

(2023) 10 MP CK 0119
In the Madhya Pradesh High Court
Case No : Writ Petition No. 26202 Of 2023

Lalit Chandel

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 25-10-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

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

Citation : (2023) 10 MP CK 0119

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Makbool Ahmad Mansoori, A. S. Parihar, Priyvrat Singh Chouhan

Final Decision : Disposed Of

Judgement

Subodh Abhyankar, J

Heard.

This petition has been filed by the petitioner under Article 226 of the Constitution of India against the order dated 03.10.2023 passed by the District Magistrate, Mandsaur whereby the petitioner has been externed under the provisions of Section 5(a) and (b) of the M.P. Rajya Suraksha Adhiniyam, 1990 (in short 'the Adhiniyam of 1990') externing the petitioner from District Mandsaur and other adjoining Districts for a period of three months.

Counsel for the petitioner has submitted that although the case has a long history, but prior to the passing of the impugned order, the petitioner had also challenged the show cause notice dated 22.09.2023 in W.P. No.25481 of 2023 and this Court vide its order dated 05.10.2023 had directed the petitioner to raise all these grounds before the District Magistrate. However, on the very next day, the petitioner was served with the order dated 03.10.2023 regarding his externment for a period of three months.

Counsel appearing for the intervenor as also the State have opposed the prayer and it is submitted that looking to the criminal antecedents of the petitioner, no case for interference is made out and a remedy of appeal is also available to the petitioner.

Having considered rival submissions, perusal of the documents filed on record and considering the fact that the petitioner has remedy of appeal available to him and the fact that only three months' order of externment has been passed against him. In such circumstances, this Court is of the opinion that the petitioner may file an appeal against the aforesaid order and if the petitioner prefers an appeal within the period of limitation, the same shall be decided by the Commissioner on its own merits. However, till the appeal is decided, operation of the impugned order dated 03.10.2023 shall remain stayed.

With the aforesaid, the petition stands disposed of.