

(2023) 10 MP CK 0025
In the Madhya Pradesh High Court
Case No : Writ Petition No. 25481 Of 2023

Lalit Chandel

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-10-2023

Acts Referred:

Madhya Pradesh Rajya Suraksha Adhiniyam, 1990 — Section 5B, 7, 8

Citation : (2023) 10 MP CK 0025

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Makbool Ahmad Mansoori, Pranjali Yajurvedi

Judgement

Vijay Kumar Shukla, J

1. The present petition is filed against the show cause notice dated 22.09.2023 issued by District Magistrate Mandsaur under Section 7 and 8 of MP Rajya Suraksha Adhiniyam, 1990 to show cause why proceedings for externment should not be initiated against him.

2. Learned counsel for the petitioner submits that almost on the similar criminal cases and on the record of Superintendent of Police, the order of externment was passed and appeal was dismissed. When he filed writ petition, the petition was partly allowed and the period of extenment was reduced in WP No.20012/2020. Again respondent no.2 issued show cause notice on the same set of criminal cases and the order of externment was passed and the same was challenged before this Court in WP No.27864/2022. The said writ petition was allowed and the order of externment was set aside. Against the said order, the writ appeal was preferred by the State i.e. WA No.273/2023 mainly on the ground that the learned Single Judge has committed error in setting aside the order in respect of adjoining districts, which is contrary to the section 5-B of the Adhiniyam. On that ground the order passed by the Writ Court was stayed by the Division Bench and the said appeal is pending.

3. Learned counsel for the respondent raises preliminary objection that the present petition is filed against the show cause notice and therefore, it is not maintainable.

4. Learned counsel for the petitioner submits that the petitioner has already filed reply and since there is apparent abuse of powers by District Magistrate, therefore, the present petition is filed.

5. Considering the aforesaid submission, the present petition is disposed off. The petitioner shall file additional reply/objection before the respondent no.2 raising all these facts and grounds within the period of seven days from today and the District Magistrate, Mandsaur shall first decide the objection raised by the petitioner and then shall proceed in accordance with the law.