
(2022) 08 MP CK 0018
In the Madhya Pradesh High Court
Case No : Writ Petition No. 18190 Of 2022

Lilesh	Vs	APPELLANT
State Of Madhya Pradesh		RESPONDENT

Date of Decision : 10-08-2022

Acts Referred:

Constitution Of India, 1950 — Article 226
Madhya Pradesh Suraksha Adhiniyam, 1990 — Section 12

Citation : (2022) 08 MP CK 0018

Hon'ble Judges : Sushrut Arvind Dharmadhikari, J

Bench : Single Bench

Advocate : Ajay Bagadia, Nandini Bansal, Valmik Sakargay

Final Decision : Disposed Of

Judgement

Sushrut Arvind Dharmadhikari, J

1. In this petition under Article 226 of Constitution of India, the petitioner seeks a direction to the respondents to permit the petitioner to attend the Swearing Ceremony and caste his vote for the election of the President/Vice President, Municipal Council Hatod, Distist Indore which is scheduled to be Theld on 10-08-2022 between 12:30 PM to 01:00 PM.

2. Learned counsel for the petitioner submits that the petitioner has been externed for a period of six months by the District Magistrate, Indore. The petitioner is a duly elected Corporator of the Council of Hatod Ward No.3 and, therefore, as per Section 12 of the Madhya Pradesh Suraksha Adhiniyam, 1990 he may be granted temporary permission to enter for the purpose of casting vote. He further submits that the externment order has been duly complied and never committed any violation of the same. If the petitioner is not permitted to caste his vote the entire purpose of contesting the Election would be spoiled.

3. Learned counsel for the petitioner further submitted that he had applied under Section 12 of the Act to the District Magistrate on 01-08-2022, but till date no

decision has been taken only with the purpose to frustrate the cause of the petitioner. Thus, under these circumstances directions may be issued to the respondent No.1 to permit the petitioner to participate in the voting which is scheduled on 10-08-2022 between 12:30 PM to 01:00 PM.

4. On the other hand learned Government Advocate has opposed the prayer and submitted that the petitioner has not challenged the order of Externment in this Writ Petition nor he has filed any appeal under the Act, therefore, no relief can be granted at this stage.

5. Taking into consideration the facts and circumstances of the case and the fact that the petitioner is an elected Corporator of the Municipal Council he has the right to cast his vote, therefore, he is permitted to cast the vote scheduled to be held on 10-08-2022 between 12:30 PM to 01:00 PM for the post of President/ Vice President, Municipal Council Hatod. The police authorities are directed to take the petitioner in police custody after verification of the date and time of such Election and make necessary arrangements for the same. After the Election is over the petitioner is directed to go back immediately and comply with the Externment order.

With the aforesaid, this petition stands disposed off.

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