

(2023) 11 MP CK 0036
In the Madhya Pradesh High Court
Case No : Writ Petition No. 28316 Of 2023

Yasir

APPELLANT

Vs

District Collector Office Of The Collectorate

RESPONDENT

Date of Decision : 03-11-2023

Acts Referred:

Madhya Pradesh Rajya Suraksha Adhiniyam, 1990 — Section 12

Citation : (2023) 11 MP CK 0036

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Avinash Sirpurkar, Pranjali Yajurvedi

Final Decision : Disposed Of

Judgement

Vijay Kumar Shukla, J

1. The present petition is filed under Article 226 of the Constitution of India seeking relaxation in the order of externment for election campaign in the ensuing assembly election.

2. An order of externment was passed against the petitioner under the provisions of MP Rajya Suraksha Adhiniyam, 1990 (hereinafter referred as "Adhiniyam"). The validity of order of externment was challenged by the petitioner in WP No.11125/2023. The said petition was dismissed and the order of externment was affirmed. Against the said order, a Writ Appeal No.1049/2023 was filed which was also dismissed by the Division Bench.

3. Learned counsel for the petitioner submits that the petitioner is contesting ensuing Assembly Elections and his nomination paper has been accepted, therefore, the order of externment either be relaxed or he be granted permission for election campaign by entering into the constituency.

4. Since the validity of order of externment has been upheld by writ Court and Division Bench in writ appeal, this Court cannot relax the externment order or

grant permission for election campaign. The remedy for petitioner is either to approach Collector under Section 12 of the Adhiniyam for permission to enter or to file appropriate application before the Division Bench, which has dismissed the writ appeal.

With the aforesaid, the present petition stands disposed off.