



CGHC010288402026



2026:CGHC:32220-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P(Cr.) No.418 of 2026

Sanjay Pawle S/o Shri Sampat Pawle Aged About 43 Years R/o
Shankar Nagar, Kharmora, Police Station- Civil Line, Rampur,
District- Korba, C.G. **... Petitioner**

versus

1 - State Of Chhattisgarh Through- The Principal Secretary,
Department Of Home, Mantralaya, Mahanadi Bhawan, Atal Nagar,
Nawa Raipur, District- Raipur, C.G.

2 - District Magistrate Korba, District- Korba, C.G.

3 - Superintendent Of Police Korba, District- Korba, C.G.

4 - Station House Officer Police Station- Civil Line, Rampur,
District- Korba, C.G. **... Respondents**

For Petitioner : Mr. Anukul Biswas, Advocate.

For Respondents/State : Mr. Ashish Shukla, Addl. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

SISTLA
NEELIMA
VISHNU PRIYA

28.07.2026

1. Heard Mr. Anukul Biswas, learned Counsel for the Petitioner.

Digitally signed by
SISTLA NEELIMA
VISHNU PRIYA
Date: 2026.07.29
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Also heard Mr. Ashish Shukla, learned Additional Advocate General for the State/Respondents.

2. By way of the present Writ Petition, the Petitioner has sought the following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of Certiorari quashing the impugned order dated 19.06.2026 (Annexure P/1) passed by the Respondent No. 1/Principal Secretary, Department of Home, State of Chhattisgarh, as well as the externment order dated 26.02.2026 (Annexure P/2) passed by the Respondent No. 2/District Magistrate, Korba, District Korba (C.G.)

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of Mandamus directing the Respondents not to give effect to the impugned orders and to allow the petitioner to reside and carry on his lawful activities in District - Korba (C.G.).

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief or reliefs which this Hon'ble Court may deem just and proper in the facts and circumstances of the case.”

3. Brief facts of the case are that Respondent No.2/District Magistrate, Korba, in exercise of powers conferred under Sections 3 and 5 of the Chhattisgarh State Security Act, 1990 (for short 'the Act of 1990') passed an order dated 26.02.2026 directing the externment of the Petitioner from District Korba and its adjoining districts for a period of one year. Aggrieved by the said order, the Petitioner preferred an Appeal under Section 9 of the Act of 1990 before Respondent No.1/Principal Secretary, Department of Home,

State of Chhattisgarh. The said Appeal came to be dismissed by order dated 19.06.2026, affirming the order of externment. Hence, the present Writ Petition.

4. It is the case of the Petitioner that Respondent No.3/Superintendent of Police, Korba, submitted a report dated 12.04.2025 before the District Magistrate, Korba, seeking initiation of externment proceedings against the Petitioner under Sections 3 and 5 of the Act of 1990. Pursuant thereto, Criminal Case No.202505050400024/2025 was registered against the Petitioner and Respondent No.2/District Magistrate, Korba, after conducting the proceedings, passed the externment order dated 26.02.2026 directing the Petitioner to remain outside District Korba and its adjoining districts for a period of one year. The Petitioner challenged the said order by filing an Appeal under Section 9 of the Act of 1990 before Respondent No.1/Principal Secretary, Department of Home, State of Chhattisgarh, on 25.03.2026, contending *inter alia* that the externment order had been passed without following the prescribed procedure and solely on the basis of the report dated 12.04.2025 submitted by the Superintendent of Police and his criminal antecedents, without any cogent material to establish that his activities were prejudicial to public order or attracted the provisions of Sections 3 and 5 of the Act of 1990. It was further contended that no criminal evidence had been

produced in support of the report, during cross-examination, prosecution witness Naveen Patel, Sub-Inspector and Station House Officer, Police Station Civil Lines, Rampur, admitted that no such evidence was available, while prosecution witness Pramod Dansena, Inspector and then Station House Officer, Police Station Civil Lines, Rampur, admitted that he had not personally investigated the cases registered against the Petitioner and had merely submitted the final report. It was also the case of the Petitioner that he was not afforded an opportunity to produce defence witnesses in support of his case and that in the absence of sufficient material, the order of externment was liable to be set aside. The Petitioner also placed reliance upon the decision in *Kekdia v. State of M.P.* before the Appellate Authority. The Appeal was registered as Appeal No.F-4-60/Home-C/2026, wherein the Appellate Authority framed issues regarding the unwillingness of witnesses to depose against the Petitioner, the effect of his activities on the safety of the general public and property and whether the people of the locality were living under fear because of his acts. Upon consideration of the material available on record and the statements of the witnesses, the Appellate Authority, by order dated 19.06.2026, dismissed the Appeal holding the externment order dated 26.02.2026 to be legal and justified.

5. Learned Counsel for the Petitioner submits that the impugned

orders dated 19.06.2026 and 26.02.2026 are illegal, arbitrary and contrary to law, having been passed in violation of the principles of natural justice. It is submitted that the order of externment has been passed solely on the basis of the report submitted by Respondent No.3/Superintendent of Police, Korba and the criminal antecedents of the Petitioner, without there being any cogent material to establish that his activities were prejudicial to public order or that the statutory requirements under Sections 3 and 5 of the Act of 1990 stood satisfied. It is contended that the offences referred to in the crime history sheet do not disclose any act on the part of the Petitioner affecting public order so as to warrant his externment and that the satisfaction recorded by the District Magistrate suffers from non-application of mind. It is further submitted that the Petitioner was not afforded a reasonable opportunity to produce defence witnesses in support of his case and was also not supplied with the statements of the witnesses recorded during the proceedings, thereby causing serious prejudice and vitiating the entire proceedings. Referring to the cross-examination of prosecution witnesses Naveen Patel, Sub-Inspector and Station House Officer, Police Station Civil Lines, Rampur and Pramod Dansena, Inspector and then Station House Officer, Police Station Civil Lines, Rampur, it is submitted that the prosecution failed to produce any substantive evidence in support

of the report dated 12.04.2025 and that the said witnesses themselves admitted the absence of such material. It is further contended that the mandatory requirements of Section 5(b) of the Act have not been fulfilled inasmuch as there is no material to establish either that the Petitioner was engaged or was about to engage in offences involving force or violence or that the witnesses were unwilling to depose against him due to apprehension for their safety. It is also submitted that the Appellate Authority mechanically affirmed the findings recorded by the District Magistrate without independently considering the grounds raised in Appeal, rendering the appellate order perverse and unsustainable in law. Placing reliance upon the decisions in ***Kekdia v. State of M.P., Dr. Dushyant Khosla v. State of Chhattisgarh & Ors.*** and ***Ashok Kumar Patel v. State of M.P.***, it is submitted that mere registration or pendency of criminal cases, in the absence of cogent material demonstrating that the activities of the person are causing or are calculated to cause alarm, danger or harm to the community, cannot furnish a valid basis for passing an order of externment. Lastly, it is submitted that the impugned order has caused grave hardship to the Petitioner and his family inasmuch as he is the sole earning member dependent upon agricultural work for his livelihood, his aged parents are unable to undertake such work and his son, Gopi Singh Pawle, is suffering from mental

illness and is undergoing treatment at the Central Institute of Psychiatry, Ranchi, with no other family member available to take care of him. It is, therefore, prayed that the impugned orders deserve to be quashed and set aside.

6. Per contra, learned State Counsel opposed the Writ Petition and supported the impugned orders. It is submitted that the externment proceedings were initiated and concluded strictly in accordance with the provisions of the Act of 1990 and the principles of natural justice. It is contended that the District Magistrate, upon due consideration of the report submitted by the Superintendent of Police, the criminal antecedents of the Petitioner and the material available on record, arrived at the requisite subjective satisfaction for passing the order of externment. It is further submitted that the Appellate Authority independently considered the grounds urged by the Petitioner and upon appreciation of the material available on record, rightly dismissed the Appeal by holding the externment order to be legal and justified. It is, therefore, submitted that no case for interference under Article 226 of the Constitution of India is made out and the Writ Petition deserves to be dismissed.

7. We have heard learned Counsel for the parties and perused the material available on record with utmost circumspection.

8. The challenge in the present Writ Petition is directed against the order dated 19.06.2026 passed by the Appellate Authority affirming the order of externment dated 26.02.2026 passed by the District Magistrate, Korba, under Sections 3 and 5 of the Act of 1990. The principal contention of the Petitioner is that the impugned orders have been passed solely on the basis of his criminal antecedents, without there being any cogent material to satisfy the statutory requirements and in violation of the principles of natural justice. However, on a careful perusal of the impugned orders, it is evident that the District Magistrate has taken into consideration the material placed before him, including the report submitted by the Superintendent of Police and the criminal antecedents of the Petitioner, before arriving at the requisite satisfaction contemplated under the Act. The Appellate Authority has also considered the grounds urged by the Petitioner, framed the issues arising for determination and upon appreciation of the material available on record, affirmed the order of externment by recording reasons in support of its conclusion. Merely because the Petitioner disputes the sufficiency or adequacy of the material considered by the authorities would not, by itself, warrant interference in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

9. It is well settled that in matters relating to externment, the

scope of judicial review is confined to examining the decision-making process and not to re-appreciating the sufficiency of the material which formed the basis of the competent authority's subjective satisfaction, unless the action is shown to be arbitrary, *mala fide*, without jurisdiction or in violation of any mandatory statutory provision or the principles of natural justice. In the facts of the present case, no such infirmity is made out from the record. The judgments relied upon by the learned Counsel for the Petitioner turn on their own facts and do not advance the case of the Petitioner in the peculiar facts and circumstances of the present case. This Court, therefore, does not find any ground warranting interference with the impugned orders in exercise of its writ jurisdiction.

10. Consequently, the the instant Writ Petition, being devoid of merit, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice