

(6) (7)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (Cr.) No. 4 /2015

PETITIONER

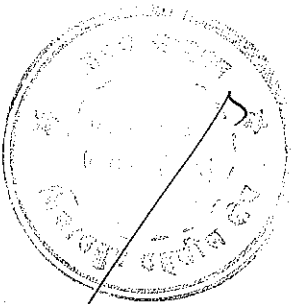
Malikram S/o Khorbahra
Chandrawanshi, aged about 38
years, R/o Village Mirpur, P.S.
Pandariya, District Kabirdham
(Chhattisgarh).

WPCR 4/15
Presented by Shri S. Sharma
dated 12/11/15

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through :
The Secretary, Department of
Home, Mahanadi Bhawan,
Mantralaya, Naya Raipur, Tahsil
& District Raipur (C.G.)
2. The District Magistrate,
Kabirdham, Tahsil & District
Kabirdham (C.G.)
3. The Superintendent of Police,
Kabirdham, Tahsil & District
Kabirdham (C.G.)



**WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE
WRIT (S) IN THE NATURE OF MANDAMUS, CERTIORARI ETC.**

HIGH COURT OF CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Prashant Kumar Mishra, J.

Writ Petition (Cr.) No. 4 of 2015

Petitioner

Malikram

Versus

Respondents

The State of Chhattisgarh and others

Present :- Mr. Sourabh Sharma, Advocate for the Petitioner.

Mr. Arun Sao, Dy. Advocate General for the State.

ORAL ORDER

(Passed on this 14th day of January, 2015)

Heard learned counsel for the parties.

1. Petitioner has assailed the legality and validity of the externment order passed by the District Magistrate, Kabirdham on 05/01/2015 under the Provisions of Chhattisgarh State Security Act, 1991.
2. Admittedly, such an order is appealable under Section 8 of the said Act, therefore, the writ petition is not maintainable.
3. At this stage, learned counsel for the petitioner would submit that the petitioner is contesting candidate for election of member of Jila Panchayat, Kabirdham, therefore, the impugned order has the effect of debarring him from participating in the election. He would submit that the petitioner may be protected at-least for participating in the election.
4. In the opinion of this Court, once the writ petition is found not maintainable on the ground of availability of alternative remedy, prayer for grant of interim relief should also to be considered by



the Appellate Authority and not by this Court.

5. In view of the above, the writ petition is disposed of with a direction that in the event petitioner prefers an appeal against the impugned order along with an application for grant of interim relief, the same shall be disposed of by the Appellate Authority as early as possible and preferably within a period of two months from the date of submission of certified copy of the present order. If an application for grant of interim relief is filed, the Appellate Authority shall consider and decide the same before the date of ensuing Panchayat Election.
6. Certified copy of the impugned order be returned to learned counsel for the petitioner on supplying photocopy thereof.
7. Certified copy today.

Sd/-
Prashant Kumar Mishra
Judge

rahul

