

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No. 859 /2021

Vishwanath s/o Wasudeo Bandebuche,
Aged 39 years, Occ- Agriculturist, R/o. Roha,
Tah. Mohadi, Dist. Bhandara, presently residing
at C/o Nilesh Wadule, Quetta Colony,
Lakadganj, Nagpur

... Petitioner.

VERSUS

1. State of Maharashtra
through Sub-Divisional Magistrate, Tumsar,
Dist Bhandara.

2. State of Maharashtra
through Divisional Commissioner Nagpur Division,
Nagpur.

...Respondents

Mr. Vikrant Vishwarupe, Adv for petitioner.
Mr. Thakre, APP for respondents.

CORAM: M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 04-12-2021.

ORAL JUDGMENT : (Per: M.S. Sonak, J.)

Not on Board. Taken on Board on account of the case of urgency made out. The Registry to forthwith register this matter by waiving all office objections.

2. **Rule.** Rule is made returnable forthwith. Heard finally with the consent of learned Counsel appearing on behalf of both the

sides.

3. The petitioner has been externed vide order dated 27-08-2021 from Bhandara District. On 02-12-2021 the petitioner has filed an application under Section 63 of the Maharashtra Police Act (the said Act) seeking temporary permission to enter into a territorial limits of Bhandara District for submission of the nomination papers for election to the Zilla Parishad, Bhandara.

4. In the petition, it is pleaded that the last date for filing of nominations is on 06-12-2021 from 11.00 am to 3.00 pm. The grievance is the petitioner's application dated 02-12-2021 has not been disposed of till date.

5. Since, the provisions of Section 63 of the said Act contemplate grant of temporary permission to an externee to enter or return to the area from which he was directed to remove himself, there is a corresponding duty on the respondents to consider in accord with law such application as expeditiously as possible. Having regard to the limited permission which the petitioner seeks for entering into Bhandara District only for the purpose of filing his nomination paper, we direct the respondents to consider and dispose of this application dated 02-12-2021 as expeditiously as possible and in any case before

12.00 noon on 06-12-2021. This means that the decision should be communicated to the petitioner before 12.00 noon on 06-12-2021.

6. Rule is made absolute in the aforesaid terms. There shall be no order as to costs.

7. All concerned to act on the authenticated copy of this order.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)