



2026:CGHC:3761-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 16 of 2026

Vijay Kumar Rajpoot Alias Vijju S/o Late Mohanlal Rajpoot Aged About 40 Years (Wrongly Mentioned As Vijay Kumar), R/o Beladula, Sindhi Colony, Police Station Chakradharnagar, Raigarh, Tahsil And District Raigarh C.G.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Ministry Of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur C.G.

2 - The Inspector General Of Police, Bilaspur Division, District Bilaspur C.G.

3 - The District Magistrate, Raigarh, District Raigarh C.G.

4 - The Superintendent Of Police, Raigarh, District Raigarh C.G.

5 - The Station House Officer, Police Station- Chakradharnagar, Raigarh, District Raigarh C.G.

...**Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner : Shri Hari Agrawal, Advocate

For Respondents/State : Shri Soumya Rai, Dy GA

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

Per Ramesh Sinha, Chief Justice

22.01.2026

Heard Shri Hari Agrawal, learned counsel for the petitioner. Also heard Shri Soumya Rai, learned Dy GA for the State.

1. Petitioner has filed the present petition for the following reliefs:



“a. A writ and/or an order in the nature of appropriate writ do issue quashing the externment order dated 04.11.2025 (Annexure P-1), for the same being completely violative of principles of natural justice and passed without following due process of law.

b. Any other relief which this Hon’ble Court may deem fit in the facts & circumstances of case.”

2. By the present petition, petitioner seeks to challenge the order dated 04.11.2025 (Annexure P1) passed by respondent-3, whereby an ex-parte order of externment against the petitioner has been passed, without issuance of any notice, and without giving any opportunity of hearing to him, when he is in jail, by recalling /reviewing its previous order dated 06.10.2025.

3. Remedy of filing an appeal is provided under Section 9 of the CG *Rajya Suraksha Adhiniyam*, 1990 (for short, ‘Adhiniyam 1990’) that a person aggrieved by an order passed under Sections 3, 4, or 5 of the CG State Security Act, 1990 by the District Magistrate, or any other Officer, may file an appeal to the State Government within 30 days from the date of such order.

4. It is necessary to notice Section 9 of the Adhiniyam 1990 here below:



Section 9. Appeal — (1)Any person aggrieved by an order under Section 3, 4, 5 or 6 made by the District Magistrate or any other officer specially empowered under Section 13 may appeal to the State Government within thirty days from the date of such order. Such appeal shall be decided as far as possible within a period of four months of the date of filing of the appeal.

(2)An appeal under this section shall be preferred in the form of a memorandum setting forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a certified copy thereof.

(3)On receipt of such appeal, the State Government may after giving a reasonable opportunity to the appellant to be heard either personally or by a legal practitioner and after such further inquiry, if any, as it may deem necessary confirm, vary or rescind the order appealed against :

Provided that the order appealed against shall remain in operation pending the disposal of the appeal, unless the State Government otherwise directs.

(4)In calculating the period of thirty days provided for an appeal under this Section, the time taken for granting a certified copy of the order appealed against shall be excluded.



5. In view of above provision of Section 9 of the Adhiniyam 1990, and the order of the present case, we are not inclined to interfere with the externment order dated 04.11.2025 (Annexure P1).

6. Accordingly, present petition stands disposed of reserving liberty to the petitioner to avail alternative statutory remedy available to him under the law.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice