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2026:CGHC:10170-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 118 of 2026

1 - Om Prakash Baghel S/o Dwarpal Baghel Aged About 40 Years Village Darripar,
Police Station Fingeshwar, District- Gariyaband (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Home Department, Mahanadi
Bhawan, Atal Nagar, Nava Raipur (C.G.)

2 - Collector/ District Magistrate Gariyaband, District- Gariyaband (C.G.)

3 - Superintendent Of Police, Gariyaband, District- Gariyaband (C.G.)

4 - Sub Divisional Officer Police Gariyaband, District- Gariyaband (C.G.)

5 - Station House Officer Police Station Fingeshwar District- Gariyaband (C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Pawan Kesharwani, Advocate

For Respondent(s) : Mr. S. S. Baghel, Dy. G.A.

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

Order on Board

Per Ramesh Sinha, Chief Justice

27/02/2026

1. Heard Mr. Pawan Kesharwani, learned counsel for the petitioner as well as Mr. S. S. Baghel, learned Dy. Govt. Advocate, appearing on behalf of the State/respondents.
2. The present petition has been filed by the petitioner with the following relief(s):-
 - "10.1 To call for records pertaining to the case of the petitioner.
 - 10.2 To quash the externment proceeding started against the petitioner vide Order dated 02.02.2026 by Respondent No. 2 (Case No. 202602220600001) and kindly quash the Show Cause Notice Dated 02.02.2026 issued against the petitioner (Annexure-P/1 and P/2).
 - 10.3 To pass any other orders that this Hon'ble Court may deem fit and proper in the circumstances of the case."
3. Brief facts of the case are that the petitioner, the Petitioner is a law-abiding citizen and worshipper at Ma Bhagwati Ashram in Village Darripar, Police Station Fingeshwar, and President of Gramin Vikash Samity, Fingeshwar, has been actively involved in social and political activities in the village. Owing to political rivalry, certain false and motivated allegations were made against him, pursuant to which the Superintendent of Police, Gariyaband, recommended initiation of proceedings under Sections 3 and 5 of the State Security Act, 1990. Accordingly, a case bearing No. 202510220600010 was registered on 15.10.2025 and a show cause notice was issued; however, after

considering the Petitioner's reply, the District Magistrate closed the externment proceedings vide order dated 15.12.2025. Thereafter, on the basis of the same earlier allegations, the Superintendent of Police again addressed a letter dated 27.12.2025, leading to registration of Case No. 202602220600001 and issuance of a fresh Show Cause Notice and order dated 02.02.2026 by Respondent No. 2. Aggrieved by the repeated initiation of externment proceedings despite closure of the earlier case and absence of any substantive offence, the Petitioner has preferred the present Petition seeking quashment of the impugned order and notice.

4. Learned counsel for the petitioner would submit that the impugned initiation of externment proceedings and issuance of Show Cause Notice dated 02.02.2026 under Sections 3 and 5 of the State Security Act, 1990 are wholly arbitrary, mechanical and violative of Articles 14, 16 and 21 of the Constitution of India, as the Respondent Authorities have acted without application of mind and without recording the requisite subjective satisfaction mandated under law. The proceedings have been re-initiated on the very same allegations which were earlier considered and closed by the Learned District Magistrate on 15.12.2025, thereby demonstrating mala fide intent and abuse of process. The impugned order merely reproduces vague expressions such as "law and order" and "public security" without disclosing any material to establish disturbance of public order or likelihood of future prejudicial conduct, nor does it record that witnesses are unwilling to depose as required under Section 5 of the Act. The allegations relied upon are politically motivated, unsubstantiated and in several instances have resulted in acquittal, and thus cannot form the basis for invoking

preventive provisions. The entire action reflects non-application of mind, absence of cogent material, and colourable exercise of power, warranting interference by this Hon'ble Court.

5. Learned State Counsel opposes the submission advanced by learned counsel for the petitioner and submitted that The Respondents most respectfully submit that the initiation of externment proceedings and issuance of Show Cause Notice dated 02.02.2026 under Sections 3 and 5 of the State Security Act, 1990 are lawful, justified and in strict compliance with the procedure established by law. The District Magistrate has acted upon credible material placed by the Superintendent of Police, Gariyaband, and has duly recorded the requisite subjective satisfaction that the activities of the Petitioner are prejudicial to the maintenance of public order and public security. The action is preventive in nature and does not depend upon conviction in criminal cases, but upon the likelihood of disturbance to the even tempo of community life. The earlier closure of proceedings does not bar fresh action where subsequent material and continued conduct warrant reconsideration. The impugned notice affords full opportunity to the Petitioner to submit his explanation, thereby complying with principles of natural justice. Hence, the proceedings are neither arbitrary nor mala fide, but are bona fide exercises of statutory power in the larger interest of maintaining public peace and order.
6. We have heard learned counsel appearing for the parties and have carefully perused the records placed along with the writ petition.
7. In view of the facts and circumstances of the case, the impugned Show Cause Notice dated 02.02.2026 has been issued strictly in accordance

with the provisions of Sections 3 and 5 of the State Security Act, 1990, after due consideration of relevant material and upon the subjective satisfaction of the competent authority regarding the necessity of preventive action for maintenance of public order. The notice merely calls upon the Petitioner to submit his explanation and does not, at this stage, infringe any vested right, as adequate opportunity of hearing has been afforded in compliance with principles of natural justice. The Petitioner has an effective alternative remedy of submitting his reply and participating in the proceedings before the District Magistrate. Hence, no interference is warranted by this Hon'ble Court at the preliminary stage, and the Petition deserves to be dismissed in limine and accordingly **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice