



2026:CGHC:13627-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 155 of 2026**

Saurabh Soni S/o Narendra Soni Aged About 26 Years R/o Aamatalab Road,
District- Dhatmari, Chhattisgarh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Home Affairs,
Mantralay, Mahanadi Bhawan, New Raipur, District- Raipur (C.G.)

2 - District Magistrate Dhamtari, District- Dhamtari (C.G.)

3 - The Superintendent Of Police Dhamtari, District- Dhamtari, Chhattisgarh.

4 - The Station House Officer P.S. City Kotwali, Dhamtari, District- Dhamtari,
Chhattisgarh.

---- Respondents

(Cause title taken from Case Information System)

For Petitioner	:	Mr. Sajal Kumar Gupta, Advocate
For Respondents/State	:	Mr. Shaleen Singh Baghel, Govt. Advocate

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

Order on Board**Per Ramesh Sinha, C.J.****23/03/2026**

1. The present writ petition has been filed under Articles 226/227 of the
Constitution of India calling in question the legality and validity of the



externment order dated 15.05.2025 passed by the District Magistrate, Dhamtari under Section 5(a)(b) of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990, as well as the appellate order dated 07.08.2025 passed by the Additional Chief Secretary, Home Department, whereby the appeal preferred by the petitioner has been dismissed and the externment order has been affirmed.

2. The present writ petition has been filed by the petitioner with the following prayers:-

“In view of the foregoing facts and grounds, it is most respectfully prayed that this Hon'ble Court may be pleased to:

1. Quash and set aside the impugned externment order dated 15.05.2025 passed by the District Magistrate, Dhamtari under Section 5(a)(b) of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990 (Annexure P/2);
2. Quash and set aside the appellate order dated 07.08.2025 passed by the Additional Chief Secretary, Home Department, Government of Chhattisgarh in Appeal No. F-4-107/Home-C/2025 (Annexure P/1);
3. Declare that the externment proceedings initiated against the Petitioner are illegal and void ab initio;
4. Stay the operation and execution of the impugned externment order during the pendency of the present writ petition;
5. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”



3. The brief facts of the case are that the petitioner, a resident of District Dhamtari, was subjected to externment proceedings initiated on the basis of a report submitted by the Superintendent of Police alleging his involvement in various criminal activities since the year 2016 and creating an atmosphere of fear in the locality. Acting upon the said report, the District Magistrate, Dhamtari, passed an externment order dated 15.05.2025 under Section 5(a)(b) of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990 directing the petitioner to remove himself from District Dhamtari and adjoining districts for a period of one year. The petitioner preferred an appeal under Section 9 of the Act, which came to be dismissed by the Additional Chief Secretary, Home Department, vide order dated 07.08.2025. The petitioner contends that the impugned orders have been passed mechanically, without compliance of the mandatory statutory requirements and in violation of principles of natural justice, particularly as no material was supplied to him, no proper opportunity of hearing was afforded, and most of the criminal cases relied upon have resulted in acquittal, leaving only one case presently pending against him.
4. Learned counsel for the petitioner submits that the impugned externment order as well as the appellate order are wholly illegal, arbitrary and unsustainable in law, having been passed mechanically without any independent application of mind and in gross violation of the mandatory requirements of Section 5(b) of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990, inasmuch as no satisfaction has been recorded to the effect that witnesses were unwilling to depose against the petitioner due to fear or apprehension. It is further submitted that the



petitioner was neither supplied with the material relied upon nor afforded an effective opportunity of hearing or cross-examination, thereby vitiating the proceedings on account of breach of principles of natural justice. Learned counsel contends that the impugned orders are founded merely on a stale criminal history, despite the fact that the petitioner has been acquitted in the majority of the cases and only one case is presently pending, which by itself does not justify the drastic action of externment. It is also submitted that the appellate authority has passed a cryptic and non-speaking order without dealing with the specific grounds raised by the petitioner. On these grounds, it is prayed that the impugned orders deserve to be quashed.

5. Per contra, learned State counsel supports the impugned orders and submits that the same have been passed strictly in accordance with law on the basis of material available on record, including the report of the Superintendent of Police and the criminal antecedents of the petitioner, which demonstrate his continuous involvement in activities prejudicial to maintenance of public order. It is contended that the competent authority, upon due satisfaction, has exercised its powers under the provisions of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990, and the appellate authority has rightly affirmed the same. It is thus prayed that the writ petition, being devoid of merit, deserves to be dismissed.
6. Considering the submissions made by learned counsel for the parties and upon perusal of the material available on record, this Court finds that the externment order has been passed on the basis of the petitioner's criminal antecedents and the report submitted by the



Superintendent of Police. At the same time, it is also evident that the petitioner has already undergone a substantial part of the externment period, and several of the cases relied upon have culminated in acquittal or compromise. In such circumstances, while this Court is not inclined to interfere with the externment order in toto, it is of the considered opinion that the ends of justice would be met by suitably reducing the period of externment.

7. Since, the 10 months period has already been passed from the date of order of externment passed by the District Magistrate, the period of externment imposed upon the petitioner is modified and reduced from one year to 10 months. The remaining terms and conditions of the impugned orders shall remain unaltered.
8. In view of the fact that a substantial portion of the externment period has already been undergone by the petitioner, and approximately ten months have elapsed since the passing of the externment order by the District Magistrate, this Court deems it appropriate, in the interest of justice, to modify the duration of externment. Accordingly, the period of externment is reduced from one year to ten months. The remaining terms and conditions of the impugned orders shall remain unaltered.
9. Hence, the present writ petition stands **disposed of** to the extent indicated hereinabove.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice