

Court No. - 80

Case :- CRIMINAL MISC. WRIT PETITION No. - 15333 of 2023

Petitioner :- Naseem And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ayank Mishra

Counsel for Respondent :- G.A.

Hon'ble Subhash Chandra Sharma,J.

1. Heard learned counsel for the petitioners as well as learned A.G.A. for the State and perused the record.

2. The present writ petition (under Article 226 of the Constitution of India) has been moved with the following prayers:-

(i) Issue, a writ, order of direction in the nature of mandamus commanding the respondent No. 3 not to interfere in the peaceful running of business of Poultry farming at Village Daulatpur, Ajamatpur, Moradabad by the petitioner without adopting due process of law.

(ii) Issue a writ, order of direction in the nature of mandamus commanding the respondent No. 3 to forthwith open the seal of the petitioner Poultry farming at Village Daulatpur, Ajamatpur, Moradabad by the petitioner's poultry farm, which has been done without any judicial order.

(iii) Issue a writ, order of direction in the nature of mandamus commanding the respondent No. 2 to forthwith decide the representation of the petitioner dated 20.08.2023 in accordance with law, if possible within stipulated period of time.

3. It is submitted by learned counsel for the petitioners that poultry farm of their father Banne Ali was prevented by order dated 30.10.2023 by the learned S.D.M. under Section 133 Cr.P.C. Petitioners are not aggrieved with that order but it is also submitted that in the garb of aforesaid order relating to the poultry farm of Banne Ali separate poultry farms those are being contacted by the petitioners are being prevented regarding which he filed an application for clarification before the learned court of S.D.M. on 20.08.2023 i.e. still pending and no any clarification was given by

the learned court, therefore, request is made to direct the learned S.D.M. to clarify the situation within the stipulated period.

4. Learned A.G.A. was directed to seek instructions in this regard.

5. Considering the submissions made by learned counsel for the petitioner as well as learned A.G.A. for the State and from the perusal of record, it appears that as per instructions the operation of the poultry farm of Banne Ali was directed to be prevented not the poultry farms of the petitioners. Regarding direction for expeditious disposal of clarification application filed by the petitioners, it is expedient to direct the learned S.D.M. to clarify the situation in this regard and decide the clarification application within a period of two months from production of certified copy of this order produced before him.

6. Accordingly, this writ petition is ***disposed of*** finally.

Order Date :- 3.11.2023

Suraj Srivastav