

Court No. - 6

Case :- WRIT - C No. - 34693 of 2023

Petitioner :- Vikas Kumar @ Vikas Chaudhary

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

Counsel for Petitioner :- Samarath Singh, Hritudhwaj Pratap Sahi, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

This writ petition has been filed inter alia for the following relief:-

"A) Issue an appropriate writ order or direction in the nature of certiorari quashing the order dated 21.09.2023 passed by District Magistrate, Mathura against the petitioner. (Annexed as Annexure No. 5 to this writ petition).

B)"

It has been stated by the learned counsel for the petitioner that though a detail reply has been given to the show cause notice as annexed at page 45 which has been received in the office of respondent on 16th September, 2023 but without considering the aforesaid the impugned order has been passed stating therein submission of no reply on the part of the petitioner would amount to acceptance of the charges levelled against him in the show cause notice. Submission is that entire proceedings are wholly in violation of principles of natural justice.

The learned Standing Counsel has no objection to the submission made by the counsel for the petitioner.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

In view of the above the impugned order dated 21.09.2023 is hereby quashed.

It is open to the authorities concerned to consider the reply as submitted by the petitioner and pass final order within a period of two months from the date of producing a certified copy of this order before the concerned authority, if there is no other legal impediment.

The petition is, accordingly, **allowed**. There shall be no order as to costs.

Order Date :- 16.11.2023

Arti