

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 16153 of 2023

Petitioner :- Mohammad Zafar

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

Counsel for Petitioner :- Anil Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Shri Anil Kumar Mishra, learned counsel for the petitioner and Shri Virendra Kumar Pal, learned A.G.A. for the State respondents.

2. Present writ petition has been filed seeking quashing of the impugned order dated 13.09.2023, passed by the District Magistrate, Meerut in Case No.D203111520007495 (State vs. Raheeshuddin @ Raheesh) under Section 14(1) of U.P. Gangster Act, 1986. Further prayer has been made not to take any coercive action in pursuance of the impugned order dated 13.09.2023.

3. Learned A.G.A. has raised a preliminary objection regarding maintainability of the present writ petition on the ground that U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 (in short, Act, 1986) is self-contained Act and in case the petitioner is aggrieved against the impugned order dated 13.09.2023, he can move an appropriate representation. Once the efficacious remedy is available to the petitioner then there is no reason or occasion to pass statutory forum.

4. Once the objection has been raised then we have proceeded to examine the record in question and find that the impugned order has been passed under Section 14 (1) of Act, 1986 and the petitioner has statutory remedy to file a representation under Section 15 (1) of Act, 1986, in case he has any stake in the property, which has been attached under the Act, 1986.

5. Confronted with this situation, learned counsel for the petitioner prays that leave may be accorded to the petitioner so that he may make a representation under Section 15 (1) of Act, 1986 within some stipulated time.

6. Considering the facts and circumstances of the case, present petition is **dismissed** on the ground of alternative remedy. However, the petitioner is at liberty to file a representation before the competent authority within two weeks from today, raising all the objections as may be available to him under law. In case any such representation is moved by the petitioner within the stipulated time then this Court hopes and trusts that the same may be decided as expeditiously as possible and preferably within a period of three months from the date of filing of the representation.

7. It is made clear that this this Court has not expressed any opinion on merits of the case of the petitioner.

Order Date :- 20.11.2023

Nitendra