

Court No. - 3

Case :- WRIT - C No. - 36962 of 2023

Petitioner :- Punjab National Bank

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

Counsel for Petitioner :- Ramesh Kumar Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Manoj Bajaj,J.

From the record, we find that that the property in question was a mortgaged property. By an order dated 21.11.2019, the possession of it was also ordered to be taken by the District Magistrate. However, while the possession had yet not been given to the Bank another order was passed on 01.09.2022 under the Uttar Pradesh Gangsters and Anti- Social Activities (Prevention) Act, 1986.

Learned counsel for the petitioner has stated that the orders under the Uttar Pradesh Gangsters and Anti- Social Activities (Prevention) Act, 1986 could not have been passed attaching the property as the property was already a transferred property inasmuch as it was mortgaged to the Bank. Learned counsel for the petitioner, therefore, has prayed that the property be released from the attachment under the Uttar Pradesh Gangsters and Anti- Social Activities (Prevention) Act, 1986.

We find from the record that the petitioner for getting the property released has filed an application/representation on 02.05.2023 before the District Magistrate, Moradabad.

If that is the case, we provide that the representation/application dated 02.05.2023 filed before the District Magistrate, Moradabad

u/s 15 Uttar Pradesh Gangsters and Anti- Social Activities (Prevention) Act, 1986 be decided expeditiously, preferably, within a period of two months.

The writ petition is accordingly disposed of.

Order Date :- 3.11.2023

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