

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17292 of 2023

Petitioner :- Sakir

Respondent :- State Of Uttar Pradesh And 2 Others

Counsel for Petitioner :- Vikas Srivastava

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Manish Kumar Nigam,J.

1. Heard Sri Vikas Srivastava, learned counsel for the petitioner and learned A.G.A. for the State.

2. Present writ petition is preferred seeking following principal reliefs:-

"1. To, issue a writ, order or direction in the nature of certiorari quashing the impugned proceedings being held by the respondent no. 2 & 3 in terms of provisions of S. 14 (1) of the The U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986 read with Rule 37 of the The U.P. Gangsters & Anti-Social Activities (Prevention) Rules, 2021 against the petitioner in connection with and arising out of Case Crime No. 0286 of 2022n. U/s 3(1) U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986 P.S.- Nakhasa, District- Sambhal. And/or

2. To, issue a writ order, or direction in the nature of mandamus directing to the respondent no. 2 and 3 to release the house and electricity shop of the petitioner situated at House No. 115, Mohalla Timrangda, Sarai Sambhal, P.S. Nakhasa, District Sambhal behind Hotel Atique Palace in favour of the petitioner. And/or"

3. The writ petition has been filed challenging impugned order passed on 30.06.2022, which is barred by laches of 399 days as reported by Stamp Reporter.

4. Admittedly, the petitioner has statutory alternative remedy under Section 15(1) of the U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 by way of filing the objection. The petition not only suffers from laches but an alternate remedy is also

available to the petitioner.

5. Considering the facts and circumstances of the case, present petition is **dismissed**, however, with liberty to the petitioner to avail the statutory remedy. In case, the same has already been availed of, the same shall be considered by the concerned authorities in accordance with law.

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

Order Date :- 16.11.2023

Nitika Sri.