

Court No. - 80

Case :- CRIMINAL MISC. WRIT PETITION No. - 17467 of 2023

Petitioner :- Dau Dayal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sajiya Parveen

Counsel for Respondent :- G.A.

Hon'ble Subhash Chandra Sharma,J.

Heard learned counsel for the applicant, learned A.G.A. and perused material on record.

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

I- To issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 to decide Appeal No. Nil of 2023 (Daudayal Vs. State of U.P.) under Section 6 of U.P. Control of Goonda Act and its stay application pending against the order dated 7.10.2023 passed by Additional District Magistrate (City) Aligarh in Case No. 8114 of 2022 (Computerized Case No. D202218020008114) under Section 3/4 of U.P. Control of Goondas Act, expeditiously within stipulated period.

II- To issue a writ order or direction in the nature of mandamus directing to the respondent authorities not to take any coercive action against the petitioner and permit to the petitioner to entering in District Aligarh till disposal of appeal.

It is submitted by learned counsel for the petitioner that in this case, order of externment was passed by the Additional District Magistrate (City) on 7.10.2023 against which he filed an appeal before the learned Court of Commissioner, Aligarh on 13.10.2023 along with application for stay of operation of order passed by the Additional District Magistrate but is still pending and no any order has been passed by the learned Commissioner, therefore, request to stay the order passed by the Additional District Magistrate dated 7.10.2023.

Learned A.G.A. opposed the prayer.

Considering the facts and circumstances of the case and submission made by learned counsel for the petitioner and perusal of record, it appears that appeal was filed on 13.10.2023 along with stay application which is pending before the learned Commissioner. No any order has been passed even on the stay application, it is expedient to direct the learned Commissioner to pass the order on the stay application filed by the petitioner in accordance with law within a period of 30 days from today, without granting any unnecessary or long adjournments to either of the parties, if there is no other legal impediment.

With the aforesaid directions, the present petition stands **disposed of** finally.

Till then, no coercive action shall be taken against the petitioner.

Order Date :- 8.11.2023

A. Singh