

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 18493 of 2023

Petitioner :- Shaan Mohammad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Amit Kumar Srivastava

Counsel for Respondent :- G.A.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

2. Present petition has been filed for the following relief:

"i. issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 04.10.2023 passed by District Magistrate, Amroha (Annexure No.10).

ii. issue a writ, order or direction in the nature of mandamus direct the respondents authorities not to interfere in the peaceful possession of house/residential house of petitioner."

3. Petitioner is aggrieved by the order dated 04.10.2023 whereby the District Magistrate-Amroha has rejected the petitioner's representation u/s 15(1) of the U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986 (hereinafter referred to as 'the Gangsters Act'). Against the order impugned, the petitioner has a statutory alternative remedy to approach either before the court to which the matter has to be referred once an order of attachment has been affirmed or rejected and thereafter by an appeal u/s 18 of the Gangsters Act. These statutory alternative remedies have not been availed.

4. The petition is therefore **dismissed** on the ground of availability of statutory alternative remedy which the petitioner may, in case so advised, avail for the redressal of his grievance.

Order Date :- 29.11.2023/S.Chaurasia