

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 41 of 2022

Petitioner :- Saif Ahmad Jafri

Respondent :- State Of U P Through Is Principal Secy. Home Civi Sectt. Lko And Another

Counsel for Petitioner :- Mohd. Zafar Khan, Amit Yadav, Amitabh Chaturvedi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondents and perused the material placed on record.

This writ petition has been filed with the following main prayers :-

"(I) Issue a writ, order or direction in the nature of CERTIORARI thereby quashing the impugned notice dated 29.11.2021 which issued by opposite party No.2 U/s 3 (1) U.P. Control of Goonda Act, 1970 against the petitioner, which is contained as **Annexure No.1** of this writ petition.

(II) Issue a writ order or direction in the nature of mandamus stay the proceeding in pursuance of the notice dated 29.11.2021 U/S 3 (1) U.P. Control of Goonda Act 1970, in the interest of justice."

It has been submitted by learned counsel for the petitioner that only on the basis of solitary case, the provisions of U.P. Control of Goondas Act has been invoked and, therefore, the notice dated 29.11.2021 has been challenged.

This Court has perused the order-sheet. It is evident that no order was passed on 07.01.2022 and 21.01.2022 staying the operation of the notice. Only time was granted to learned A.G.A. to seek instructions. Notice itself had given time to the petitioner to show cause till 15.12.2021.

Learned counsel for the petitioner says that he has appeared before the District Magistrate, Sitapur but no final order has been passed because of the pendency of the writ petition.

This Court is of the opinion that there is no interim stay granted

on the notice. The notice being only a show cause and two years have elapsed in the meantime, the competent authority, i.e. the District Magistrate, Sitapur is directed to pass appropriate orders after considering the reply of the petitioner, if such an order has not already been passed.

With the above direction, the writ petition is **disposed of**.

Order Date :- 15.12.2023

ML/-