

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7861 of 2023

Petitioner :- Mitthu Lal Singh @ Mitthu Singh And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. U.P. And Others

Counsel for Petitioner :- Surendra Singh, Brijendra Kumar Verma

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

1. Heard learned counsel for the petitioners- Mitthu Lal Singh @ Mitthu Singh and Dheeraj Singh and learned AGA for State-respondents.
2. This writ petition has been filed with a prayer to stay the operation and implementation of the impugned order dated 19.05.2023 passed in Case No.00652 of 2020; State vs. Mitthu Singh and Case No.651 of 2022; State vs. Dheeraj Singh under Section 3(1) of the U.P. Control of Goondas Act, 1970 passed by the respondent no.3, by which the petitioners have ordered to be fugitive for a period of six months from the territorial area of District Pratapgarh, U.P.
3. It has been submitted by learned counsel for the petitioners that they have been falsely implicated in several criminal cases as mentioned in the earlier notice issued to them under Section 3 of the U.P. Control of Goondas Act, 1970 which resulted in their being externed from the district. The petitioners filed an appeal against the order passed by the District Magistrate, but the Commissioner of the Division has rejected the application for interim relief while admitting the appeal. It has been submitted that the petitioners have a business of tenthouse and providing light decoration and other such things and that the start of festival season is near, they will suffer huge business loss if the operation of the order dated 19.05.2023 passed in Case No.00652 of 2020 and Case No.651 of 2022 is not stayed by this Court.

4. This Court finds that the petitioners have not challenged the original order passed by the District Magistrate of externment. They have also not challenged the order dated 25.07.2023 passed by the Commissioner, Prayagraj Division rejecting their application for interim relief. The petitioners have only come before this Court for staying the operation of the order dated 19.05.2023 insofar as it relates to externment of the petitioners from the district.

5. Learned AGA has produced before this Court instructions sent by Sub-Inspector Dinesh Kumar, police station Udaipur, District Pratapgarh and the same is taken on record. On the basis of said instructions it has been stated that petitioner no.2 Dheeraj Singh has two criminal cases registered against him, one of which is N.C.R. Also there is a beat information dated 03.04.2020 against him. Petitioner no.1- Mitthu Lal Singh @ Mitthu Singh has five criminal cases registered against him and there is a beat information dated 03.04.2020.

6. It has been further stated in the instructions that order dated 19.05.2023 by the District Magistrate, Pratapgarh has been rightly passed and should not be interfered with.

7. This Court having gone through the pleadings on record and also the instructions sent by police station concerned, finds no good ground to grant the prayer as made in this writ petition by issuing a mandamus. A writ of Mandamus can be issued only when there is a subsisting legal right and a corresponding duty on the part of executive authorities.

8. The Writ Petition is, accordingly, **dismissed**.

Order Date :- 11.10.2023

Arnima