

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 8606 of 2023

Petitioner :- Maroof Anwar Hashmi And Another

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

Counsel for Petitioner :- Manoj Kumar Misra

Counsel for Respondent :- G.A.

Hon'ble Rajan Roy,J.

Hon'ble Ajai Kumar Srivastava-I,J.

Heard learned Counsel for the petitioners and Shri Umesh Chandra Verma, learned A.G.A. for the State.

This writ petition has been filed by the appellants seeking the following reliefs:-

"1. Issue writ order or command in the nature of certiorari to quash the order dated 26.04.2022 passed by O.P. No. 2 U/S 14 (1) of U.P. Gangster and Anti-Social Activities Act by means of which he has ordered to attach the property of the petitioner which is admittedly situated on ancestral property of the petitioner, as the order has been passed in violation of the Rules framed in this regard, in the interest of justice.

2. Issue writ order or command in the nature of mandamus commanding O. P. No. 2 to take a decision on the representation filed against the order dated 26.04.2022 pending before him since 13.06.2022 at an early date and preferably on the next date fixed by him."

The property alleged to be that of the petitioners has been attached under Section 14 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. The petitioners have already represented against the same under Section 15 of the Act, 1986, as claimed.

If it is so, then, the District Magistrate is duty bound to consider and decide the representation in accordance with law.

Let the District Magistrate concerned decide the representation of the petitioners, if they have been submitted, in accordance with law unless it is already decided. If it has been decided the decision shall be communicated to the petitioners

within one week. If it has not been decided then the same shall be decided within a period of one month from the date a certified copy of this order is submitted.

With the aforesaid observations and without entering into merits of the case, the writ petition is **disposed of.**

(Ajai Kumar Srivastava-I,J.)

(Rajan Roy,J.)

Order Date :- 7.11.2023

R.K.P.