

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9399 of 2023

Petitioner :- Ghanshyam

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home,
U.P. Lucknow And Others

Counsel for Petitioner :- Ram Ashish Harijan

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner and learned AGA for State-respondents.

The present writ petition has been filed with a prayer to issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 23.11.2023 passed by the opposite party no.2- Additional District Magistrate (Finance and Revenue), District Ambedkar Nagar in Case No. 00370 of 2023, Computerized Case No. D202304040000370 (State vs. Ghanshyam) pertaining to police station Jahangiranj, District Ambedkar Nagar in exercise of its jurisdiction under section 3/4 U.P. Control of Goondas Act, as contained in Annexure no.1 to the writ petition.

It has been submitted by learned counsel for the petitioner that the petitioner was initially issued a notice under Section 3/4 U.P. Control of Goondas Act, 1970 on 03.03.2023, which has been filed as Annexure no.2 to the writ petition. The petitioner had given a reply on 03.11.2023 which was not considered and impugned order has been passed under Section 3(6) of the U.P. Control of Goondas Act, 1970 on 23.11.2023 of externment of petitioner for six months from the district concerned.

Learned AGA has submitted that petitioner has appropriate statutory remedy under Section 6 of the U.P. Control of Goondas Act, 1970 which the petitioner has not availed.

In view of the above, the writ petition is **disposed of** with liberty to the petitioner to approach statutory appellate authority within two weeks from today. If he files an appeal before the authority concerned, the same shall be considered and appropriate orders shall be passed, in accordance with law, as expeditiously as possible.

Order Date :- 12.12.2023

Arnima