

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9728 of 2023

Petitioner :- Smt. Kismatul Nisha

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Govt. Of U.P. Civil Sectt. Lko. And Anohter

Counsel for Petitioner :- Ajey Singh,Rajendra Prasad Lodhi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

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

2. This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of Certiorari to quash the impugned order dated 28.08.2023 passed by the opposite party No. 2 ie. District Magistrate, Bahraich in Case No. 226/2023, Computerized Case No. D202308150000226 (State Versus Ajmat Ali @ Bhuri), Under Section-14 (1) of U.P. Gangster & Anti Social Activities (Prevention) Act, 1986 pertaining to Police Station-Dargah Sharif, District-Bahraich, as contained in Annexure No. 1 to this writ petition."

3. It has been submitted by learned counsel for the petitioner that the petitioner is the owner of the property which has been attached showing the same to be belonging to gangsters Ajmat Ali @ Bhuri, Rashid Khan and Patali @ Rahim Bux. Initially, a notice was issued under Section 14(1) of the U.P. Gangster & Anti Social Activities (Prevention) Act, 1986. The petitioner made a representation to the District Magistrate. This representation was not considered and now the matter has been referred to the competent court under Section 16 by the District Magistrate, Bahraich. The petitioner has also approached the court concerned under Section 16(1) in Case Crime No.226 of 2023 "State vs. Ajmat Ali @ Bhuri" however, her application for interim relief has not been considered.

4. This petition is disposed of with a direction to the petitioner to approach the competent forum.

Order Date :- 21.12.2023

Saurabh Yadav/-