Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 1205 of 2024

Petitioner :- Kandhai Lal
Respondent :- Commissioner Devipatan Mandal Gonda And 2 Others
Counsel for Petitioner :- Sandeep Singh
Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Learned A.G.A. has filed counter affidavit, which is taken on record.

Heard learned counsel for the petitioner, learned AGA for the State and perused the record.

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

"i) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 29.11.2023 passed by the opp. party No. 1/Commissioner, and 08.11.2023 passed by opposite party no. 2/District Magistrate, contained in Annexure Nos.1 and 2 to this writ petition"

Learned counsel for the petitioner submits that the notice under Section 3(1) U.P. Control of Goondas Act, 1970 (hereinafter referred to as the 'Act') has been issued to the petitioner for submitting representation/reply, thereafter, the petitioner submitted a detailed representation/reply but the respondent No.2 without considering the submissions made by the petitioner passed the externment order dated 08.11.2023 and petitioner was directed to remain outside the district for a period of 6 months. Being aggrieved against the said order, the petitioner preferred an appeal under Section 6 of the Act before the Commissioner, respondent no.2. The learned Commissioner also without considering the grounds taken by the petitioner in the appeal and without giving opportunity of hearing dismissed the appeal vide order dated 29.11.2023, thereafter, the petitioner by means of the present writ petition has challenged both the orders before this Court for quashing the same on the ground that both the orders are bad in the eye of law.

Per contra, learned AGA has submitted that the present writ petition has now become infructuous due to the reason that at present no cause of action survives in the present writ petition as the externment order passed against the petitioner was only for a period of 6 months and the appeal against the said order

has also been dismissed, so in the present writ petition nothing remains to be decided nor there is any adverse order against the petitioner by which he is aggrieved.

Learned counsel for the petitioner states that there is an apprehension in the mind of the petitioner that the respondent authorities may take disadvantage of the impugned orders in future against the petitioner.

I have considered the rival submissions made by the parties and perused the record.

From perusal of the externment order, it is not disputed that the same has already expired and the appeal filed against the said externment order before the Commissioner/respondent no.2 under section 6 of the Act has also been dismissed and after lapse of so many years, there is no externment order against the petitioner nor any fresh order exists in the present case, which causes any harm to the petitioner. In the present writ petition, nothing remains to be decided on merits, as no cause of action survives in the present writ petition at present nor there is any adverse order against the petitioner by which he is prejudiced.

The apprehension of the petitioner that the authorities may take disadvantage of the impugned orders in future against him is also not justified unless he is not involved in any other criminal case. If he is aggrieved by any other order passed by the respondents, he may approach the competent court of law for redressal of his grievances.

With the above observations, the present writ petition is **disposed of**.

No order as to costs.

(**Shamim Ahmed, J.**)

Order Date :- 19.7.2024
A.Nigam

Digitally signed by :-
ANUJ NIGAM
High Court of Judicature at Allahabad,
Lucknow Bench