

Court No. - 16

Case :- CRIMINAL MISC. WRIT PETITION No. - 6292 of 2024

Petitioner :- Laxman Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 4 Others

Counsel for Petitioner :- Dinesh Kumar Shukla

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Dinesh Kumar Shukla, learned counsel for the petitioner and Sri Ashok Kumar Singh, learned A.G.A.-I for the State as well as perused the record.

The instant writ petition has been filed seeking following main relief:-

"(i) issue a writ of order or direction in the nature of certiorari thereby quashing the impugned order dated 03.02.2021 passed by opposite party no.2 in case No.00275/2021 Computerkrit Case No. D 202108300000275, State Vs. Laxman Singh under Section 14(1) of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 as contained as Annexure No.1 to this writ petition in the interest of justice."

Learned counsel for the petitioner submits that the property of the petitioner had been attached illegally under Section 14(1) of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, thus, the order dated 03.02.2021 passed by learned District Magistrate, Gonda is illegal as the property of the petitioner was not acquired by him by committing the crime under The Uttar Pradesh Gangsters and Anti-. Social Activities (Prevention) Act, 1986, therefore, the same be released.

Learned A.G.A.-I for the State has made a preliminary objection regarding maintainability of the writ petition and submits that against the order dated 03.02.2021 passed by learned District Magistrate, Gonda under Section 14(1) of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, the petitioner has to approach the competent court under Section 16 of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. Thus, he submits that the instant writ petition be dismissed.

After some argument, learned counsel for the petitioner submits

that he may be given liberty to approach the competent court under Section 16 of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 against the order dated 03.02.2021 passed by learned District Magistrate, Gonda under Section 14(1) of The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986.

Accordingly, the instant writ petition is **disposed of** with liberty as prayed for.

Office is directed to return all the certified copies of relevant documents after keeping photostat thereof on record.

Order Date :- 30.8.2024

Saurabh