2026:AHC:210968

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 2476 of 2026

Ramayan Barnwal @ Ramnayan Barnwal

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 78

HON'BLE SANDEEP JAIN, J.

1. The instant writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

" (i) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent No.3/Commissioner, Gorakhpur Division, District Gorakhpur to decide the stay application as well as Appeal No.122/2026(Computerized Case No.C202605000000122), u/s 6 of the Uttar Pradesh Goondas Niyantran Adhiniyam (Ramayan Barnwal @ Ramnayan Barnwal Vs. District Magistrate, Kushinagar), PS Kotwali Hata, District Kushinagar of the petitioner within stipulated period as directed by this Hon'ble Court.

(ii) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent No.2 not to compel the petitioner to leave his place and not to interfere in peaceful life of the petitioner, during the pendency of the stay application as well as appeal before the respondent No.3/Commissioner, Gorakhpur Division, District Gorakhpur, otherwise the petitioner shall suffer irreparable loss and injury."

2. Learned counsel for the petitioner submits that on the basis of four cases, proceedings under Section 3/4 of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner and by order dated 08.01.2026 passed by the District Magistrate, Kushinagar, the petitioner has been externed for six months from the limits of District Kushinagar, which has been challenged by the petitioner by filing Appeal No.122 of 2026 (Computerized Case No.C202605000000122) (Ramayan Barnwal @ Ramnayan Barnwal vs. State of U.P.), under Section 6 of the U.P. Control

of Goondas Act, 1970, in which a stay application has also been moved but neither the stay application nor the appeal has been decided by the Commissioner, Gorakhpur Division, Gorakhpur. Learned counsel for the petitioner further submits that, till the disposal of the appeal/stay application, operation of the impugned order dated 08.01.2026 be stayed and a direction be issued to the appellate authority to decide the appeal expeditiously.

3. Learned A.G.A. on the basis of the instructions received by him submits that at present four cases are registered against the petitioner which shows that he is a habitual offender.

4. It is apparent that since the appeal preferred by the petitioner under Section 6 of the Act, 1970, is pending before the competent authority, as such, this Court cannot examine the impugned order on merits.

5. In view of this, it would be appropriate that a direction be given to the appellate authority to decide the appeal expeditiously.

6. In view of the above facts, the Commissioner, Gorakhpur Division, Gorakhpur is directed to decide the Appeal No.122 of 2026 (Computerized Case No.C202605000000122) (Ramayan Barnwal @ Ramnayan Barnwal vs. State of U.P.), under Section 6 of U.P. Control of Goondas Act, 1970, within a period of one month from the date of production of certified copy of this order.

7. Till the disposal of the appeal, the operation of the impugned order dated 08.01.2026 passed by the District Magistrate, Kushinagar in Case No.1936 of 2022 (Computerized Case No.D202205440001936) (State Vs. Ramayan Barnwal), under section 3/4 of U.P. Control of Goondas Act, 1970, shall remain stayed.

8. Accordingly, the instant writ petition is ***disposed of***.

(Sandeep Jain,J.)

October 8, 2026
Jitendra

Digitally signed by :-
JITENDRA KUMAR PATEL
High Court of Judicature at Allahabad