2026:AHC:210008

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24409 of 2026

Saiyad Ali

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd Hamid
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 certiorari directing the respondent No. 2, Commissioner, Gorakhpur Division, Gorakhpur, to decide the appeal in Case Crime No. 1767 of 2026, Computerized Case No. C202605000001767 (Saiyad Ali Vs. State of U.P.), under Section 6 of the U.P. Control of Goondas Act, 1970, Police Station Kaptanganj, District Kushinagar, within the stipulated period as directed by this Hon'ble Court.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 2 and 3 not to compel the petitioner to leave his district during the pendency of the appeal before respondent No. 2, in pursuance of the order dated 16.07.2026 passed by respondent No. 2 (District Magistrate, Kushinagar), in Case No. 965 of 2024, Computerized Case No. D202405440000965 (State Vs. Saiyad Ali), under Section 3/4 of the U.P. Control of Goondas Act, 1970."

2. Learned counsel for the petitioner submits that merely on the basis of one case, proceedings under Section 3/4 of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner and by order dated 16.07.2026 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 Computerized Case/Appeal No.C202605000001767 (Saiyad Ali 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 16.07.2026 be stayed and a direction be issued to the appellate authority to decide the appeal expeditiously.

3. Learned A.G.A. submits, on the basis of instructions received by him, that, as on date, only one criminal case is registered against the petitioner.

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 as well as stay application expeditiously.

6. In view of the above facts, the Commissioner, Gorakhpur Division, Gorakhpur is directed to decide the stay application in Computerized Case/Appeal No.C202605000001767 (Saiyad Ali vs. State of U.P.), under Section 6 of U.P. Control of Goondas Act, 1970, within a period of one month and the appeal within a period of two months from the date of production of certified copy of this order.

7. Till the disposal of the stay application or the appeal, whichever is earlier, the operation of the impugned order dated 16.07.2026 passed by the District Magistrate, Kushinagar in Case No.965 of 2024 (Computerized Case No.D202405440000965) (State Vs. Saiyad Ali), 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 7, 2026
Himanshu

Digitally signed by :-
HIMANSHU YADAV
High Court of Judicature at Allahabad