2026:AHC:208547

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24326 of 2026

Umesh Chandra Yadav

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ripu Soodan Yadav
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 to set aside the order dated 20.07.2026 passed by Commissioner, Kanpur Division, District Kanpur Nagar in Case No.1276 of 2026 (Computerized Case No.C2026030000001226) (Umesh Chandra Yadav vs. State of UP) u/s 6 of UP Control of Goondas Act, 1970 as well as stay the effect and operation of the order dated 09.06.2026 passed in Case No.54 of 2026 (State vs. Umesh Chandra Yadav) under Section 3/4 of UP Control of Goondas Act, 1970, Police Station Sen Paschimpara, District Commissionerate Kanpur Nagar.

II. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities not to take coercive action in pursuance of order dated 20.07.2026 passed in stay application till the Appellate Case No.1276 of 2026 (Computerized Case No. C202603000000) (Umesh Chandra Yadav vs. State of UP) u/s 6 of UP Control of Goondas Act, 1970 is still pending before respondent authorities."

2. Learned counsel for the petitioner submits that on the basis of six cases, proceedings under Section 3/4 of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner. Subsequently, by order dated 09.06.2026 passed by respondent no.3 - Joint/Upper Police Commissioner(Law & Administration)/ Prescribed Magistrate, Police Station Sen Paschimpara, District Commissionerate Kanpur Nagar, the petitioner was directed to reside at his permanent address and mark his

attendance thrice every month at Police Station Sen Paschimpara, District Kanpur Nagar for a period of six months. The said order has been challenged by the petitioner by filing Appeal No.1276 of 2026(Computerized Case No. C202603000001276) (Umesh Chandra Yadav vs. State of U.P.), under Section 6 of U.P. Control of Goondas Act, 1970 before Commissioner, Kanpur Division, District Kanpur Nagar, in which a stay application has also been moved which was rejected vide order dated 20.07.2026. The appeal, however, has not yet been decided by the appellate authority. The petitioner seeks a direction from this Court for quashing the impugned order dated 20.07.2026 and for staying the operation and effect of the order dated 09.06.2026. The petitioner further seeks a direction to the respondent authorities not to take any coercive action pursuant to the order dated 20.07.2026 passed in stay application till appeal is pending before appellate authority.

3. Learned A.G.A. submits that as per instructions received by him, at present six cases are registered against the petitioner, which shows that he is a habitual offender.

4. It is evident that on the basis of six criminal cases, the petitioner has been declared as "Goonda" by the respondent no.3 and proceedings were initiated against him under Section 3/4 of the U.P. Control of Goondas Act, 1970. Consequently, by order dated 09.06.2026 passed by the respondent no.3, the petitioner was directed to reside at his permanent address and mark his attendance thrice every month at Police Station Sen Paschimpara, District Kanpur Nagar for a period of six months. The petitioner has challenged this order by filing an appeal before the Commissioner, Kanpur Division, District Kanpur Nagar, which is still pending for adjudication. However, the stay application preferred by the petitioner was dismissed by the impugned order dated 20.07.2026.

5. Since the petitioner's appeal is still pending, it is not appropriate for this Court to express any opinion regarding the legality of the impugned order.

6. In view of the above, it is appropriate to direct the appellate authority to decide the petitioner's appeal expeditiously.

7. Accordingly, this writ petition is disposed of with a direction to the

Commissioner, Kanpur Division, District Kanpur Nagar, to decide Appeal No.1276 of 2026(Computerized Case No. C202603000001276) (Umesh Chandra Yadav vs. State of U.P.), under Section 6 of the Uttar Pradesh Control of Goondas Act, 1970 within a period of two months from the date of production of the certified copy of this order.

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

(Sandeep Jain,J.)

October 6, 2026
Himanshu

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