2026:AHC:209879

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24498 of 2026

Danish Ullah Khan

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Suresh Dhar Dwivedi
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 directing the respondent no.4 not to compel the petitioner to leave District Shahjahanpur till disposal of stay application/appeal filed by petitioner pending before the respondent no.2 in Appeal No.1698 of 2026 (Computerized Case No.C202612000001698), Danish Ullah Khan Vs. State, under Section 6 of UP Control of Goondas Act, 1970."

2. Learned counsel for the petitioner submits that on the basis of ten cases, proceedings under Section 3(1) of the U.P. Control of Goondas Act, 1970 were initiated against the petitioner and by order dated 27.08.2026 passed by the Additional District Magistrate (Administration), Shahjahanpur, the petitioner has been externed for six months from the limits of District Shahjahanpur, which has been challenged by the petitioner by filing Appeal No.1698 of 2026 (Computerized Case No.C202612000001698) (Danish Ullah Khan 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, Bareilly Division, Bareilly. Learned counsel for the petitioner further submitted that till the disposal of the appeal/stay application, the operation of the impugned order dated 27.08.2026 be stayed.

3. Learned A.G.A. submits that as per instructions received by him, at

present ten 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 as well as stay application expeditiously.

6. In view of the above facts, the Commissioner, Bareilly Division, Bareilly is directed to decide the stay application in Appeal No.1698 of 2026 (Computerized Case No.C202612000001698) (Danish Ullah Khan 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. Accordingly, the instant writ petition is ***disposed of***.

(Sandeep Jain,J.)

October 7, 2026
Mayank

Digitally signed by :-
MAYANK KUMAR SHARMA
High Court of Judicature at Allahabad