

Ram Singh Vs. District Magistrate, Fatehpur and Another

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Court : Allahabad

Decided On : Sep-23-1997

Reported in : 1998(1)AWC706

Judge : R.R.K. Trivedi and ;M. Katju, JJ.

Acts : Uttar Pradesh Control of Goondas Act, 1970 - Sections 3

Appeal No. : C.M.W.P. No. 31048 of 1997

Appellant : Ram Singh

Respondent : District Magistrate, Fatehpur and Another

Advocate for Def. : S.C.

Advocate for Pet/Ap. : K.K. Dwivedi, Adv.

Judgement :

R.R.K. Trivedi and M. Katju, JJ.

1. Heard learned counsel for the petitioner and the learned standing counsel.
2. This petition has been filed challenging the show cause notice dated 19.6.1997 served on the petitioner under Section 3 of the U. P. Control of Goondas Act, 1970.

3. A Division Bench of this Court in Ballabh Chaubey v. A.D.M., Mathura, Writ Petition No. 2954 of 1996 and Rajesh Pal v. A.D.M., Varanasi, Writ Petition No. 1818 of 1996, has already taken the view vide their judgment dated 22.1.1997 that a writ petition against a show-cause notice under the U. P. Control of Goondas Act will not be maintainable. The Division Bench has distinguished the judgment of the Full Bench In the case of Ram Ji Pandey v. State of U. P., 1981 ALJ 897, and has held that in Ramji Pandey's case the question whether a writ petition against a show-cause notice should be entertained was not considered.

4. We are in respectful agreement with the view expressed by the Division Bench in Ballabh Chaubey's case (supra). The Hon'ble Supreme Court has also held in Executive Engineer v. R. K. Singh, JT1995 (8) SC 331, that a writ petition shall not lie against a show-cause notice. We also hold that no writ petition should be entertained against a show-cause notice issued under the U. P. Control of Goondas Act. The petitioner has a remedy of filing a reply to the show-cause.

5. In the aforesaid circumstances, this writ petition is rejected.