

**Case :-** MISC. BENCH No. - 3714 of 2020

**Petitioner :-** Mr.Mohammad Kaleem

**Respondent :-** State Of U.P.Through Prin.Secy. Home & Ors.

**Counsel for Petitioner :-** Priyanka Singh,Abhay Pratap Singh,Anchal Gupta,Ashma Izzat

**Counsel for Respondent :-** C.S.C.

**Hon'ble Pankaj Kumar Jaiswal,J.**

**Hon'ble Karunesh Singh Pawar,J.**

Heard Ms. Priyanka Singh, learned counsel for the petitioner and Mr. Manish Mishra, learned Standing Counsel for the respondents State.

By this writ petition under Article 226 of the Constitution of India, the petitioner is praying for quashment of the show cause notice dated 23.12.2019 issued by the respondent no.2- Additional District Magistrate (Trans Gomti), Lucknow.

Learned counsel for the petitioner has submitted that the impugned show cause notice has been issued on the basis of three FIRs registered against the petitioner as well as other persons under Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 and under Section 7 of the Criminal Law Amendment Act at Police Station Hasanganj, District Lucknow.

A preliminary objection has been raised by the learned Standing Counsel that impugned show cause has been issued to the petitioner on 23.12.2019 and if the petitioner is aggrieved by the aforesaid show cause notice dated 23.12.2019, he may file detailed reply to the show cause notice before the authority concerned and, thereafter, the learned Authority, after considering the reply of the petitioner, will pass the appropriate order in pursuance of the directions given by this Court vide

judgment and order dated 02.12.2010 passed in Civil Misc. Writ Petition No. 40831 of 2009 : *Mohammad Shujauddin Vs. State of U.P. and others*. He further submits that similar question is pending before the Apex Court, in which cognizance on the issue has been taken and, therefore, at this stage, the present writ petition is not maintainable before this Court under Article 226 of the Constitution of India.

Per contra, learned counsel for the petitioner does not dispute the fact that similar issue is pending before the Apex Court. However, she submits that reply to the impugned show cause notice has already been filed by the petitioner before the respondent no.2 and the same has also been annexed as Annexure No.4 of the writ petition.

Considering the aforesaid, we are not inclined to entertain this writ petition.

However, if any adverse order is passed, the petitioner may challenge the same in appropriate proceedings in accordance with law.

The writ petition is, accordingly, **dismissed**.

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**(Karunesh Singh Pawar, J.) (Pankaj Kumar Jaiswal, J.)**

**Order Date :- 10.2.2020**

Ajit/-