2026:AHC:2808

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19605 of 2025

Shiv Suchitra

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aditya Prakash Verma, Ankeshwar Mishra, Ranjana Verma, Shailesh Verma
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Shailesh Verma, learned counsel for the petitioner and Sri Gaurav Singh, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioner is that he was appointed as a homeguard in the year 1989, however, owing to lodging of a first information report bearing no. 0253 of 2020, under Sections 147, 148, 149, 307, 323, 427, 452, 504, 506 IPC, a show cause notice came to be issued on 09.09.2025 by the District Commandant Home-guard, Shahjahanpur, third respondent restraining the writ petitioner from performing the duties and also show causing him.

3. Learned counsel for the writ petitioner submits that mere lodging of a first information report cannot be a ground to restrain the respondent for performing the duties. He submits that the entire basis is the Government order dated 18.08.2023 of clause 5 to 8 and the same held to be *ultra vires* in ***Writ-A No. 16186 of 2024 (Mahesh Singh v. State of U.P. and 3 Others)***, decided on 26.09.2025.

4. Learned Standing Counsel submits that the matter needs to be revisited by the third respondent, District Commandant of Home Guards, Shahjahanpur.

5. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same by 16.01.2026, on the said motion, the third

respondent shall revisit the matter bearing in mind the judgment in ***Mahesh Singh (supra)***.

6. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

7. With the aforesaid observation, the writ petition is **disposed off**.

8. Instructions have been filed today is taken on record and marked as Appendix-A.

January 7, 2026
A. Prajapati

(Vikas Budhwar,J.)

Digitally signed by :-
ASHUTOSH KUMAR PRAJAPATI
High Court of Judicature at Allahabad