



2026:AHC:37937

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5758 of 2026

Azad Usmani

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Aditi Pandey, Ramesh Kumar Tiwari
Counsel for Respondent(s)	: Arun Kumar Pandey, C.S.C.

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. A complaint was made by the villagers against the present petitioner and on the said complaint a direction was issued by the Sub Divisional Officer, Tehsil-Chandpur, District Bijnor/respondent no.3 to the Station Incharge, Chandpur, District Bijnor to close the doors in order to maintain law and order situation. The operative portion reads as follows :-

"अतः तहसीलदार चांदपुर की आख्या की छायाप्रति संलग्न कर आपको निर्देशित किया जाता है कि उक्त गाटा संख्या 176 की ओर खोले गये दरवाजों को बंद कराते हुए रास्ते को सुरक्षित कराना सुनिश्चित करें साथ ही मौके पर शान्ति व्यवस्था बनाये रखने हेतु आवश्यक कार्यवाही करें।"

2. Aggrieved against the aforesaid petitioner has preferred present writ petition.

3. It is argued by counsel for the petitioner that though an adverse order has been passed against the petitioner but the same has been passed without providing any notice and opportunity to the petitioner. He placed reliance upon paragraph-43 of the judgement and order dated 15.09.2023 passed in Writ C No.26782 of 2023, which reads as follows :-

"43. It is a well settled proposition of law that principles of natural justice are inbuilt in the statutory rules and require observance unless the same stand excluded by a statutory provision either specifically or by necessary implication. Any exercise of power prejudicially affecting another must be in conformity with the rules of natural justice. The authority taking action must be impartial and without any interest or bias of any type; where the said authority is exercising judicial or quasi-judicial power, the authority concerned must give full opportunity to the affected person to produce all the relevant evidence in support of their

case and must disclose all material placed before it on the basis of which the allegations made against them are founded and the said authority cannot utilise any such material unless the opportunity of hearing is given to the party against whom it is sought to be utilised. The authority must give opportunity to the party concerned to rebut the evidence / material against him and further to put forward, explain and substantiate his own version."

4. Heard learned counsel for the parties and perused the records.

5. From perusal of the records it is clear that direction was given vide order dated 26.11.2025 passed by respondent no.3-Sub Divisional Officer, Tehsil-Chandpur, District-Bijnor to the Station Incharge, P.S. Chandpur, District Bijnor, which is quoted above. The aforesaid direction adversely affects the rights of the petitioner but the same has been passed without providing any notice and opportunity to the petitioner.

6. In this view of the matter and also in the interest of justice, the order dated 26.12.2025 passed by respondent no.3 is liable to be set aside and the same is hereby set aside.

7. The writ petition is allowed. No order as to costs.

(Prakash Padia,J.)

February 19, 2026
Pramod Tripathi