

23

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6311/2011

SANDEEP TOMAR

..... Petitioner

Through

Mr. V.V. Gautam and Mohd.
Amanullah, Advs.

versus

ADDITIONAL DIRECTOR DIRECTORATE OF REVENUE
INTELLIGENCE AND ORS

..... Respondent

Through

Mr. Satish Aggarwal and Mr.
Rajindra Verma, Advs.
Mr. Mukesh Anand and
Mr. Shailesh Tiwari, Advs. for
R-2 & 3.**CORAM:****HON'BLE MR. JUSTICE SANJIV KHANNA****HON'BLE MR. JUSTICE R.V.EASWAR****ORDER**

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09.11.2011

With the consent of the parties, the matter is taken up for hearing and disposal.

Learned counsel for the petitioner, after some hearing, states that he would prefer an appeal against the order dated 28th October, 2011, wherein he will raise all the questions of facts and law including those raised in the present writ petition. He states that an appeal will be filed within a period of ten days from today.

The petitioner has raised a number of grounds including the contention that the entire adjudication process is without jurisdiction as the motorcycle in question was earlier confiscated and released.

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physical file have been compared and
the digital data is as per the physical
file and no page is missing.

10

Therefore, it is submitted by the petitioner that second adjudication proceedings are void. Another contention raised by the petitioner is that the adjudication proceedings are barred by time.

These contentions and grounds can be raised in the appellate proceedings. We dispose of the present writ petition with liberty that the petitioner may file an appeal against the order dated 28th October, 2011 along with an application seeking waiver of pre deposit. If any such application for waiver of pre deposit is made, the same will be considered by the appellate authority in accordance with law and due weightage will be given to the contentions raised by the petitioner, which have been recorded above.

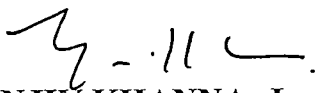
The petitioner further states that the petitioner will ~~also~~⁴ file an application for permission to use the motorcycle after obtaining consent/no objection from Jaspal Singh, who has been given possession of the motorcycle pursuant to *Superdari*. Learned counsel for the petitioner has stated that the proviso to Section 110 relied upon by the respondent-Directorate of Revenue Intelligence is not applicable as in the present case there is no restraint order, but the motorcycle has been released on *Superdari*. It is further stated that proviso requires issue of notice to the owner and as per the Motor Vehicles Act, 1988, the petitioner is the registered owner of the motorcycle and no notice was issued to him. The said contention/prayer if made before the

11
appellate authority if admissible will be considered as per law.

Learned counsel for the petitioner also states that the petitioner shall move an application before the Directorate of Revenue Intelligence to use the motorcycle. It is open to the petitioner to move such an application. If ^{any} ~~such an~~ application is filed, the same will be considered as per law.

The appeal will be disposed of within a period of two months from the date the same is filed.

Dasti under signature of the Court Master.


SANJIV KHANNA, J.


R.V.EASWAR, J.

NOVEMBER 09, 2011

NA

(Disposal of case)
from cor 4818/12 (for release to
by ke)