

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos. 30410 and 30411 of 2013

V.Jeyabashkaran ...Petitioner in W.P.30410/15
Nirmala V.Jeyabashkaran ...Petitioner in W.P.30411/15

-Vs-

The Competent Authority,
SAFEM (FOP) and NDPS Act,
Government of India,
Department of Revenue,
Ministry of Finance,
"UTSAV, No.64/1,
G.N.Chetty Road,
T.Nagar, Chennai - 600 017

...Respondent in both the
petitions

PRAYER: Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed in file No.Fin/Inv/SZU/02A/2008-NCB/MDS dated 28.03.2008 under Section 68F(1) of the NDPS Act, 1985 on the file of the Respondent by freezing the petitioners' bank accounts and forfeiting the property of the petitioners and to quash the same and direct the respondent to return all the original documents pertaining to the property forfeited by the respondent.

For Petitioners : Mr.V.Raghavachari for Mr.S.Joel

For Respondent : Mr.Venkatasamy Babu
Senior Panel Counsel
Government of India

COMMON ORDER

When the matter is taken up for hearing, preliminary objection has been raised by the learned counsel appearing for the respondent that what has been challenged is only a preliminary order and a final order has been passed thereafter on 25.04.2008 and even this preliminary order has to be challenged only before the Appellate Authority.

2.The learned counsel appearing for the petitioners submitted that the final orders said to have been passed are not communicated to the petitioners.

3.Heard the learned counsel appearing on the either side and perused the materials available on record.

4.This Court is not willing to go into the said issue. Suffice it for this Court to direct the respondent to give copy of the final order dated 25.04.2008 to the petitioners within a period of two weeks from the date of receipt of copy of the order. After receipt of the same, it is very well open to the petitioners to challenge it by way of filing the appeals. The said appeals shall be filed within a period of four weeks thereafter. As and when the said appeals are filed, the Appellate Authority shall decide the matter on merit without rejecting the same on the ground of limitation. It is for the Appellate Authority to consider the scope and applicability of the order passed earlier while deciding the appeals.

With the above observations, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssd

To

The Competent Authority,
SAFEM (FOP) and NDPS Act,
Government of India,
Department of Revenue,
Ministry of Finance,
"UTSAV, No.64/1,
G.N.Chetty Road,
T.Nagar, Chennai - 600 017

+2cc's to Mr.S.Joel, Advocate, S.R.No.62295 & 63396

+2cc's to Mr.Venkatasamy Babu, Advocate, S.R.No.62515

W.P.Nos. 30410 and 30411 of 2013

UG(CO)

CA(20/11/2015)