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

+ **W.P.(C) 8047/2017**

SHASHI GUPTA

..... Petitioner

Through Mr A.K. Dubey, Advocae.

versus

COMPETENT AUTHORITY [SAFEM (FOP)

A & N.D.P.S. ACT 1985) & ORS

..... Respondents

Through Mr Bhagwan Swarup Shukla, Advocate
for R1 and R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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11.09.2017

CM 33129/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition impugning the order dated 08.03.2017, forfeiting the property bearing No. B-21, Gali No. 17, Bharat Vihar, Raja Puri, Uttam Nagar, New Delhi measuring 50 sq. yards in Khasra No. 09 belonging to the petitioner.
4. A bare perusal of the order dated 08.03.2017 indicates that the said action was taken as the petitioner's husband Sh Vikas Gupta had been convicted of an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter 'the Act').
5. The learned counsel appearing for the petitioner has drawn the attention of this Court to Section 68A (2)(a) of the Act which provides that

Chapter VA of the Act (which contains provisions for confiscation of the property) would be applicable to every person who has been convicted of an offence punishable under the Act for a term of 10 years or more. He submits that since the petitioner had been sentenced only for a period of six months neither the petitioner nor the petitioner's husband is covered under the scope of 68A (2)(a) of the Act and, therefore, no action can be taken for forfeiture of the petitioner's property.

6. Learned counsel for the respondents, who appears on advance notice, has handed over a letter dated 12.07.2017, whereby the respondents have decided to keep the communication dated 10.03.2017 (which apparently contains direction to take possession of the property in question) in abeyance.

7. In view of the above, the present petition is disposed of by directing that no action for taking possession of the property in question would be taken, or without giving a prior notice of atleast two weeks to the petitioner.

8. Since the respondents are, apparently, in the process of reviewing their earlier decision, this Court does not consider it apposite to pass any further orders in this regard except to direct the respondents to consider the petitioner's contention as noted above.

9. The petitioner is at liberty to apply in the event any further communication is received from the respondents for confiscating or taking over possession of the property in question.

VIBHU BAKHRU, J

SEPTEMBER 11, 2017

pkv