

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5672 of 2017

Date of Decision: 15.02.2018.

RAVINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ravi Sodhi, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This application is directed against the impugned letter/recommendation No. 1099-1102-5A dated 06.12.2016, issued by the S.H.O, Police Station Sadar Jalalabad, District Fazilka to the Competent Authority and Administrator, Government of India, Ministry of Finance Annexure (P-3) in which seizure of the property allegedly held by the petitioner and her son Sukhcharan Singh, was recommended in terms of Section 68-F of NDPS Act.

The contention of the petitioner is that the property in question, is her self acquired and not created from the proceeds allegedly generated by her husband and sons, who have have been separately convicted under various provisions of the said Act.

It is also highlighted on behalf of the petitioner that Annexure

R-2 appended to the reply submitted on behalf of the State itself goes to show that the Competent Authority has specified certain deficiencies in the impugned communication.

Be that as it may, undoubtedly the impugned communication issued by the S.H.O, Police Station Sadar Jalalabad, District Fazilka, is basically recommendatory in nature and at this stage, no tangible cause of action to interfere would appear to have arisen. However, as and when actual action is initiated on the basis of such recommendation, the petitioner shall automatically have liberty to challenge the same before the appropriate forum.

Learned counsel for the State submits that in view of the deficiencies specified in the communication dated 12.01.2017, from the Competent Authority, the same would be got removed and fresh recommendation in a proper form shall be sent, if so advised, to the Competent Authority. In the circumstances, no further intervention from this Court is called for.

As such, at this stage, the application is disposed off with the aforesaid liberty to the petitioner.

(SUDIP AHLUWALIA)
JUDGE

February 15, 2018

Jyoti-IV

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No