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

+ **W.P.(C) 2772/2016**

THE COMPETENT AUTHORITY, DELHI Petitioner

Through Mr Arun Bhardwaj, Advocate.

versus

KULWANT SINGH & ORS Respondents

Through Mr B.Badrinath, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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17.07.2019

CM No.11656/2016

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

W.P.(C) 2772/2016 & CM APPL. 11655/2016

3. The petitioner has filed the present petition impugning an order dated 08.05.2015 (the impugned order) passed by the Appellate Tribunal for Forfeited Property. The respondents had preferred the said appeal against an order dated 21.09.2012 passed by the Competent Authority, thereby freezing and seizing the properties of the respondents under Section 68F(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The said assets included motor vehicles as well as immovable property.
4. It is the respondent's case that the said assets were not acquired from proceeds of illicit trade.
5. The said proceedings are predicated on the FIR dated 01.07.2007,

being FIR No. 79 registered under Sections 18/61/85 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985. The said FIR indicates that 1.3 Kg of Opium was recovered from the possession of respondent no.1 and 200 grams of Opium was recovered from the possession of respondent no.2.

6. This Court is informed that the said respondents have been convicted in the said offences and have preferred an appeal before the High Court of Punjab and Haryana.

7. The respondents are also aggrieved by the impugned order passed by the Appellate Tribunal for forfeited properties insofar as it upholds the decision of the Competent Authority to seize the said immovable properties. In view of the above, the respondents have also preferred a writ petition challenging the said impugned order before the High Court of Punjab and Haryana.

8. Although the petitioners have prayed that the impugned order be set aside, it appears that the same is restricted to release of the motor vehicles in question (a Verna car and a motor cycle).

9. Since the impugned order arises out of the seizure of the properties effected in the state of Haryana and the respondents have already preferred a writ petition challenging the impugned order, this Court considers it apposite to dispose of the present petition with liberty to the petitioner to approach the High Court of Punjab and Haryana. This course commends to this court for the reason that it would not be apposite for the facets of same matter to be adjudicated by two courts.

10. The petition is, accordingly, disposed of with liberty to the petitioner to approach the High Court of Punjab and Haryana for the relief as sought in this petition.

11. The pending application is also disposed of.

JULY 17, 2019
pkv

VIBHU BAKHRU, J