

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

202

CWP-2545-2022 (O&M).

Date of Decision: December 05, 2022.

Hardeep Kaur

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Anand Kaushal, Advocate, for
Mr. D.S. Gandhi, Advocate, for the petitioner.

Mr. Rajiv Sharma, Advocate,
for respondents No.1 and 2.

Mr. Saurav Verma, Addl. A.G. Punjab, for
respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of mandamus directing the respondent No.2 to not to initiate any coercive action against the property of the petitioner as per the order dated 10.08.2020 (Annexure P-6), till the time the statutory appeal of the petitioner filed under Section 68 (O) of the Narcotic Drugs and Psychotropic Substances Act, 1985, bearing Case No.ND-455/22 titled as 'Hardeep Kaur Vs. Competent Authority

Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 and the NDPS Act, 1985, is listed for hearing and is decided on merits.

Learned counsel for the petitioner contends that the statutory Tribunal has since been constituted and that the petitioner shall move an appropriate application for seeking interim relief and till such time that the appeal filed by the petitioner is heard, protection granted to the petitioner vide order dated 12.05.2022 be extended.

Learned counsel for respondents No.1 and 2 avers that the petitioner is at liberty to take recourse to the remedies available to her under Statute by moving appropriate application before the Appellate Tribunal/Authority in the pending appeal.

The present petition is accordingly disposed of with liberty to the petitioner to move an appropriate application within a period of 03 weeks from today for listing of the said appeal and/or seeking the interim relief. The protection of the order dated 12.05.2022, shall remain extended to the petitioner till a period of 03 weeks from today or till the filing/listing of the application of the petitioner whichever is earlier. The petition is accordingly disposed of at this stage as not pressed to enable the petitioner to take recourse to her statutory remedy in accordance with law.

December 05, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No