

AD-22
Ct No.09
08.08.2023
TN

WPA No. 16679 of 2023

Smt. Purnima Saha and another
Vs.
Union of India and others

Mr. Soujanya Bandyopadhyay
.... for the petitioners

Mr. Arun Kumar Mohanty (Maity),
Ms. Sumita Sarkar
.... for the UOI

Learned counsel for the Union of India (UOI) takes an objection as to maintainability of the writ petition at the outset.

The writ petition, as it transpires from the submissions made by learned counsel for the petitioners, pertains to a claim for release of the properties of the petitioners, which have been seized under the provisions of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) and put up for auction sale as well as for cancellation of the said auction sale.

As it appears on the face of it, a writ petition does not lie challenging such auction sale of properties, which have been confiscated and put up for sale under the provisions of a special statute

governing the field. In any event, this court is not the appropriate forum to seek such a relief.

Hence, upholding the objection as to maintainability taken by the Union of India, WPA No. 16679 of 2023 is dismissed as not maintainable, without any order as to costs.

However, nothing in this order shall prevent the petitioners from moving the appropriate forum, if any relief is available to the petitioners under any law in force.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)