



W.P.No.549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.09.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR
W.P.(Crl.) No.549 of 2025

Mrs.H.A.Badurunnisa

Petitioner

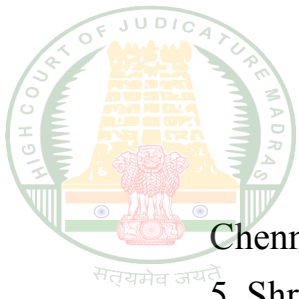
Versus

1. The Appellate Tribunal under SAFEMA,
C-Wing, 4th Floor, Lok Nayak Bhawan,
Khan Market,
New Delhi-110 003.

2. The Competent Authority & Administrator,
SAFEM NDPS Act,
10-B, Middleton Row, 1st Floor,
Income Tax Building,
Kolkatta-700 071.

3. The Government of India,
rep. By its Intelligence Officer,
Narcotics Control Bureau,
Plot No.FD-2, 2nd Main Road,
3rd Avenue, Tamil Nadu Housing Board,
Ayyampakkam,

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Chennai-600 077.

5. Shri Iqbal Basha

6. Smt.Rehana Begum

Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Certiorarified Mandamus, to call for records of the proceedings in FPA-ND-135/CHN/2018, dated 25.02.2025 on the file of the 1st respondent and quash the same as without jurisdiction and consequently direct the 1st respondent to consider the application filed by the petitioner.

For Petitioner(s):

Mr.Govind Chandrasekhar

For Respondent(s):

Mr.G.Babu, CGSPC for R1 to R3

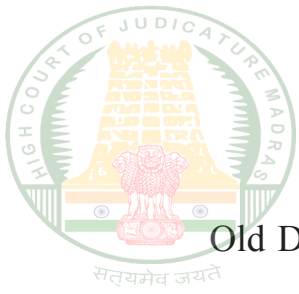
No appearance for R4 to R6

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus, to call for records of the proceedings in FPA-ND-135/CHN/2018, dated 25.02.2025 on the file of the 1st respondent and quash the same as without jurisdiction and consequently direct the 1st respondent to consider the application filed by the petitioner.

2. According to the petitioner, she purchased a property situated at



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Old Door No. 45, New Door No. 5, Habibullah Sahib Cross Street, Second Lane, Triplicane, Chennai for a sale consideration of Rs.60 lakhs on 12.06.2015 from respondent Nos. 4 and 5. The petitioner presented the sale deed for registration before the 4th respondent and the same was kept pending as Doc Nos. P102 and P103 of 2015, which prompted the petitioner to file a Writ Petition in W.P. No. 29887 of 2015 before this Court, seeking release of the sale deed.

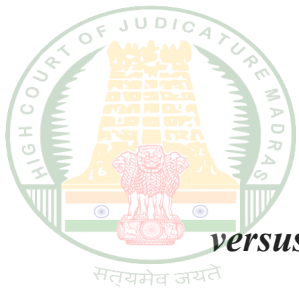
3. The 4th respondent took a stand that the sale deeds were pending since a letter sent by the 3rd respondent stating that the subject property was frozen in pursuant to the attachment order passed by the statutory Authority under Section 68F (1) of the NDPS Act, 1985. As a result, the above said Writ Petition came to be dismissed by this Court vide order dated 29.02.2016. Questioning the same, the petitioner preferred an appeal in W.A. No. 512 of 2016 and vide order 12.02.2018, a Division Bench of this Court observed that there exists a remedy against the freezing order passed by the statutory authority. Following the same, an appeal under Section 68-A 2(f) of the NDPS Act, 1985 was sent by the petitioner by speed post to the 1st respondent on 03.03.2018, well before the expiry of the three weeks time



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granted by the Division Bench of this Court vide order in W.A.No.512 of 2018 which expires only on 05.03.2018. But the appeal sent by speed post was received by the 1st respondent only on 08.03.2018 and hence, the 1st respondent without going into the merits, dismissed the appeal on the ground of delay. Hence, the Writ Petition.

4. The learned counsel for the petitioner would submit that pursuant to the observations made by the Division Bench of this Court, the petitioner has sent the appeal on 03.03.2018 to the first respondent against the freezing order passed by the statutory authority, which is well within the time limit granted by the Division Bench as it expires only on 05.03.2018, however, due to postal delay, it reached on 08.08.2018 and the 1st respondent Tribunal, taking note of the fact that the appeal received only on 08.08.2018, which is beyond the time limit prescribed by the Division Bench, has erroneously rejected the appeal. He would submit that when the law permits an application to be sent by post, it should be deemed that the moment the application is posted, it is as application made on that date and any delay occurred in transit, the same cannot be attributed as the application was made belatedly. He relied upon a decision of this Court in ***“Ranganathan***



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5. The learned Central Government Standing Panel Counsel appearing for the respondents 1 to 3 would submit that the 1st respondent Tribunal has rightly rejected the appeal as no application was filed along with the appeal to condone the delay and further, the Tribunal has no power either to extend or reduce the stipulated period set by this Court and it cannot go beyond the period of three weeks, which expired by 05.03.2018 itself while admittedly, the appeal was received only on 08.03.2018 and hence, the impugned order does not warrant any interference.

Heard the learned counsel for the petitioner and the learned Standing Central Government Standing Panel Counsel for the respondents 1 to 3 and perused the entire records.

6. Admittedly, the petitioner sent the appeal by way of speed post on 03.03.2018 which is well within the time limit prescribed by the Division Bench of this Court, which expires on 05.03.2018. Therefore, when the appeal sent by post well before the expiry of the time limit prescribed by the



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Division Bench of this Court, this Court is of the view that it must be deemed to have been filed well within the time and it cannot be construed as barred by limitation. Similar view has been taken by this Court in Ranganathan's case (cited supra), wherein, it was observed as under:

“So long as the law permits an application to be sent by post, it should be deemed that the moment an application is posted, it is an application made on that date and the fact that the application reached the other side some days later cannot make it an application made after the due date.”

7. In Bannari Amman's case (cited supra) also, the Kerala High Court has held that,

“In a case where appeal was invited by post, the post office being an agent of the authorities, the appeal sent before the expiry of the period of limitation provided under Section 35 must be deemed to have been filed in time.”

8. In the light of the above discussion, we allow the Writ Petition and set aside the impugned order dated 25.02.2025 passed by the 1st respondent. The 1st respondent is directed to consider the appeal without insisting upon the limitation aspect and dispose of the same in accordance with law and on merits, by affording an opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.



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(J.N.B.,J.) (S.S., J.)
10.09.2025

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