

(2026) 02 P&H CK 1744

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 39162 Of 2025

Satish Kumar

APPELLANT

Vs

Competent Authority And Administrator And Another

RESPONDENT

Date of Decision : 04-02-2026

Acts Referred:

Constitution Of India, 1950 — Article 226

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 68F(2), 68O

Citation : (2026) 02 P&H CK 1744

Hon'ble Judges : Sheel Nagu, CJ; Sanjiv Berry, J

Bench : Division Bench

Advocate : Rakesh Roy, Saurabh Goel, Geetika Sharma, Himanshi Gautam

Final Decision : Disposed Of

Judgement

Sheel Nagu, CJ

1. The challenge in the present petition is to the order dated 24.10.2025 passed u/s 68F(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act, 1985').

2. Learned counsel for petitioner does not dispute that an appeal lies to the Appellate Tribunal u/s 68-O of the NDPS Act, 1985 against the impugned order dated 24.10.2025. However, learned counsel contends that the facts of the case are not in dispute by placing reliance on the evaluator's report.

3. The issue as to whether the property in question was acquired in the year 2018 or prior to the occurrence of the offence involves disputed questions of fact, which require adjudication by the Trial Court. Such questions cannot be examined by this Court while exercising its writ jurisdiction under Article 226 of the Constitution of India.

4. In view of above, this Court declines to interfere on merits and relegates the petitioner to avail the alternative statutory remedy available under the Act. It is

clarified that the obstacle of limitation will not come in the way of the petitioner in approaching the Appellate Forum, provided the appeal is filed within a period of 15 days from today.

5. With the aforesaid liberty, the petition stands disposed of.