

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- WP(C) No. 341/2021
CM No. 1730/2021

**Pritam Lal, Age 62 years,
S/o Tirath Ram, R/o Jattanmallian,
Tehsil Kalakote, District Rajouri.**

.....Petitioner

Through: Mr. Narinder Kr. Attri, Advocate

Vs

- 1. UT of J&K through Commissioner-Cum-Secretary Forest, Civil Secretariat, Jammu.**
- 2. Divisional Forest Officer (Authorized Officer) Reasi.**
- 3. Range Officer, Katra.**
- 4. Block Officer Bhaga, District Reasi.**

..... Respondents

Through: Mr. Amit Gupta, AAG
Ms. Nazia Fazal, Advocate vice
Mrs. Monika Kohli, Sr. AAG

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
22.12.2023

01. Through this writ petition filed under article 226 of the Constitution of India, the petitioner has approached this Court challenging an order no. AO/RFD/5383-89 dated 26.03.2020 passed by the Authorized Officer, Reasi Forest Division, Reasi acting purportedly under section 2(g)(b)(IV) of the Jammu & Kashmir Forest Act, 1987 thereby ordering confiscation of seized khair trees having volume 16.637/1492 number of billets.

02. As per the Jammu & Kashmir Forest Act, 1987 an order of confiscation passed under section 26 is reviseable before the court of Sessions Judge in the territorial jurisdiction of which the headquarter of the authorized officer issuing the confiscation order is situate which in the present case is the District Sessions Court, Reasi. The petitioner has skipped the resort to revisional remedy as provided under the statute.

03. The writ petition came to be instituted on 19.03.2021 almost one year from the date of passing of the order under challenge and the reason being cited by the learned counsel for the petitioner in the disability attending the petitioner in resorting to the revisional jurisdiction as provided under section 26(B) of the Jammu & Kashmir Forest Act, 1987 is that the issuance of the order impugned is of the COVID period and, therefore, the petitioner was not in a position to avail the revisional remedy. The explanation being given by the petitioner seems plausible and, therefore, this Court allows the petitioner with liberty to approach the Sessions Court, Reasi with a revision petition to assail the order no. AO/RFD/5383-89 dated 26.03.2020 passed by the Authorized Officer, Reasi Forest Division, Reasi. Upon filing of which revision the Sessions Court Reasi to adjudicate the matter in accordance with law.

04. Thirty days time is being given hereby in favour of the petitioner for maintaining the revision petition which shall start from today.

05. Filing of the revision petition by the petitioner before the Sessions Court, Reasi shall be accompanied with a certified copy of this order.

06. Till the filing of the revision petition by the petitioner before the Revisional authority of Sessions Judge, Reasi, the stay granted with respect to the auction of the confiscated khair wood shall remain in force and for the further order the same shall be subject to discretion of the Court of Sessions Judge, Reasi.

Disposed of.



(RAHUL BHARTI)
JUDGE

JAMMU
22.12.2023
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Whether the order is speaking : Yes / No

Whether the order is reportable: Yes / No