

**Court No. - 13**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 9043 of 2023

**Petitioner :-** Ramzan

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Revenue, Lko And 4 Others

**Counsel for Petitioner :-** Narendra Pratap Mishra, Anand Kumar Srivastava

**Counsel for Respondent :-** G.A.

**Hon'ble Karunesh Singh Pawar, J.**

Heard learned counsel for the petitioner as well as learned AGA for respondents.

By this petition, the petitioner has prayed for the following relief:-

*I. To issue a writ, order or direction in the nature of certiorari, quashing the impugned order dated 28.02.2023 passed by Chief Judicial Magistrate, Unnao, thereby rejecting the application of release of Vehicle No U.P. 36-T-6988 and quash the order dated 22.07.2023 Passed by Session Judge District Unnao, in criminal revision no.49 of 2023, contained as Annexure No.1 & 2 with this writ petition.*

Learned AGA has raised a preliminary objection regarding maintainability of the petition. He has submitted that it is evident from the impugned summoning order that the proceedings under section 52(A) of Forest Act, 1927 for seizure are pending adjudication before the competent authority; against the order of confiscation and seizure, an appeal lies under Section 52(B) of the Indian Forest Act, 1927 and there is a specific bar of jurisdiction under Section 52(D) of the aforesaid Act and therefore, no illegality can be attributed to the impugned orders.

Learned counsel for the petitioner at this stage submits that since the confiscation proceedings are pending before the competent authority, he may be permitted to pursue his case before the competent authority.

In view of the above and considering the provisions of Section 52 (A) to 52 (D) of Indian Forest Act, 1927, the Court is of the opinion that there is no illegality in the impugned order. However, the petitioner is free to approach the competent authority under the Indian Forest Act, 1927.

In view of the aforesaid observations, the petition is ***dismissed***.

**Order Date :-** 5.12.2023/R.C.