

GAHC010056612024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1564/2024

MASROOR
S/O- PIYARE KHAN,
R/O- BELWADA,
P.S.- BHAGATPUR,
P.O.- MANPUR,
DIST.- MURADABAD,
UTTAR PRADESH,
PIN- 244925.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
ENVIRONMENT AND FOREST DEPARTMENT,
DISPUR, JANATA BHAWAN
GUWAHATI, ASSAM.

2:THE DIVISIONAL FOREST OFFICER
NORTH KAMRUP DIVISION
RANGIA
ASSAM
PIN- 781354.

3:OFFICE OF THE RANGE FOREST OFFICE
RANGE OFFICER
NORTH KAMRUP RANGE
RANGIA
GUWAHATI
PIN- 781354.

4:THE FOREST BEAT OFFICER

SADAR BEAT OFFICE
RANGIA
GUWAHATI
PIN- 781354

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent : SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

20.03.2024

Heard Mr. B.P. Borah, learned counsel for the petitioner and Mr. R.R. Gogoi, learned counsel appearing for all the respondents.

2. The petitioner's case is that the petitioner had made a representation dated 04.11.2022 to the Divisional Forest Officer, North Kamrup Division, Rangia, Assam for release of his vehicle bearing registration No. UP-21 BN-7208 on zimma, which had been seized in connection with Case No. R/01 of 2022-23 under Sections 9/39/44/49(B) 51 of the Wildlife Protection Act, 1972.

3. The petitioner's counsel submits that the representation dated 04.11.2022 submitted by the petitioner to the concerned DFO is under Section 49A of the Assam Forest Regulation, 1891. He submits that this writ petition can be disposed of, if a direction is issued to the concerned DFO, i.e., the respondent No.2, to take a decision on the petitioner's representation dated 04.11.2022.

4. Mr. R.R. Gogoi, learned counsel for the respondents submits that he has got no objection to the prayer made by the petitioner's counsel.

5. In view of the consent of the parties, this writ petition is disposed of with a direction to the respondent No.2, to dispose of the petitioner's representation dated 04.11.2022, by considering the same to be a petition under Section 49A of the Assam Forest Regulation, 1891. The same should be done within a period of 2(two) weeks from the date of receipt of a certified copy of this order. The decision taken should be communicated to the petitioner.

JUDGE

Comparing Assistant