

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2172 of 2018

- Kalyan Singh Chandrakar S/o Kishan Lal Aged About 50 Years
R/o Paragaon Road, Gariyabandh, District Gariyabandh,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Forest,
Mahanadi Bhawan, Capital Complex, Naya Raipur, District
Raipur., District : Raipur, Chhattisgarh
2. The Chief Conservator of Forest, Raipur Circle, Raipur
3. The Collector, Gariyabandh
4. The Divisional Forest Officer, Forest Division Gariyabandh,
Gariyabandh
5. The Forest Ranger, Gariyabandh

---- Respondents

For Petitioner	Shri Anjanesh Shukla, Advocate
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For Respondent-State	Shri Shashank Thakur, GA
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Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

25/09/2018

1. Petitioner's small saw cutter machine having 12 inch diameter
was seized in connection with POR, which has since been
culminated in his favour, however, the saw machine is not
released from seizure despite the final order dated 20.11.2017.
2. Learned State counsel was directed to seek instructions in the
matter. Shri Shashank Thakur, learned Government Advocate,

would submit, on instruction, that some fresh complaints have been received against the petitioner, therefore, the saw machine has not been released from seizure, however, he would fairly submit that at present no formal proceeding in form of registration of POR is pending against him.

3. It appears, the subject saw machine is the source of livelihood of the petitioner, which cannot be left idle even after completion of the enquiry against the petitioner, in which he was fined for Rs.5,000/- and upon payment of the said amount, no other case is pending against him. Continued seizure of the saw machine violates the petitioner's right to livelihood guaranteed under Article 21 of the Constitution of India. The concerned DFO, Gariyaband, the respondent No.4 is therefore directed to release the small saw cutter machine belonging to the petitioner within a period of 2 weeks from the date of submission of certified copy of this order. It is made clear, if the petitioner is found to have committed any other forest offence, this Court has not expressed any opinion on it and the Authorities would be at liberty to proceed in accordance with law.
4. The writ petition stands disposed of.

Sd/-
Prashant Kumar Mishra
Judge