

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21817 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“...to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not passing directing the 3rd respondent to release the stocks i e Approx 30 Quintals of Karingulu Forest Produce gum seized in POR No 132/03 dt 23 07 2019 on the file of 3rd respondent inspite of the readiness of the petitioner to furnish the third party surety as being illegal and arbitrary and consequently direct the 2nd respondent to order for release of the stocks to the petitioner and to grant ... ”

Heard learned counsel for the petitioner, and the learned Government Pleader for Forests.

Learned Government Pleader placed on record the written instructions received from the Forest Range Officer, Kagaznagar.

Though it is stated by the learned counsel for the petitioner that the petitioner came to have purchased the seized property from the VSS Chairman, one Mr. Raju, as on date, an offence under the Forest Act has been registered in P.O.R.No.132/03 dated 23.07.2019, and the same is pending before the Judicial Magistrate of First Class, Sirpur (T).

Section 58 read with Section 61 of The Forest Act, 1927, provides for the release of seized goods either by the Magistrate on application or, in a given case, by the State Government.

In the present case, the case is coming up before the learned Magistrate. Therefore liberty is given to the petitioner to approach the learned Magistrate by making necessary application, whereupon the Magistrate shall decide the same in accordance with law, as expeditiously as possible.

The writ petition is accordingly disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

30th September, 2019
KSM

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