

D.L. 35.
28.09.2020
S.D.

**W.P.A. 7264 of 2020
With
CAN 1 of 2020**

**Md. Sabalu
Vs.
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Asis Bhattacharya
....for the petitioner.

Mr. Samrat Sen, A.A.A.G.,
Ms. Sutapa Sanyal
.....for the State.

In re: CAN 1 of 2020

This is an application for urgent hearing of the writ petition and is disposed of by taking up the writ petition for consideration.

The petitioner seeks release of a vehicle.

Learned Advocate for the State submits that, the vehicle was seized by the Beat Officer, Forest Department upon finding the petitioner transporting prohibited materials. She submits that, the Divisional Forest Officer issued three notices to the petitioner to appear. The petitioner did not appear pursuant to such notices.

Learned Advocate appearing on behalf of the petitioner submits that, the petitioner did not receive any notice from the Divisional Forest Officer.

In such circumstances, since the Divisional Forest Officer, Kalimpong Forest Division is in *seisin* of the proceedings for release of the vehicle, the petitioner is at liberty to appear before him in accordance with the law. The Divisional Forest Officer, Kalimpong Forest Division will afford a reasonable opportunity of hearing to the petitioner when deciding the application for release of the vehicle.

W.P.A. 7264 of 2020 is disposed of without any order as to costs.

(Debangsu Basak, J.)