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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4955/2020 & CM APPLs. 17890/2020, 17891/2020**

NIHAL KHAN

..... Petitioner

Through: Mr. Yudvir Singh, Advocate. (M-9810153709)

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sameer Vashisht, ASC for GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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05.08.2020

1. The hearing has been held through video conferencing.
2. The Petitioner has approached this court seeking release of his vehicle bearing no. 'DL 1L AB 1885', which is a goods vehicle. The background is that the driver of the Petitioner was driving the said vehicle, which was carrying *malba*/garbage. Forest Officers seized the said vehicle on 4th March 2020 on the premise that the said *malba*/garbage was being dumped in the ridge area, which is a forest area. It is submitted by the Id. counsel appearing for the Petitioner that the Petitioner made a representation to the Forest Officer dated 18th June, 2020. However, the Forest Officer is stated to have refused to release the vehicle and told the petitioner that the vehicle can be released only through the orders of the Delhi High Court. The case of the Petitioner is that the driver did not know the proper routes.
3. Mr. Vashisht, Id. ASC for GNCTD submits that the seizure of the vehicle has been effected under Section 52 of the Indian Forest Act, 1927. Under Section 52, a report has to be submitted by the Forest Officer to the

concerned Magistrate as soon as may be, after seizing any property under the said Section. If any property is seized as such, any Forest Officer of a rank not inferior to that of a Ranger, who or whose subordinate, has seized said property also has the power to release the property under Section 53, subject to certain conditions as may be directed.

4. In the present case, since the seizure memo is under Section 52, it is directed that the representation of the Petitioner be decided by the Forest Officer, not inferior than that of a Ranger, in accordance with Section 53 within a period of 2 weeks. A speaking order may be passed on the said representation.

5. The remedies of the Petitioner in respect of the said order, which may be passed, are left open to avail of, in accordance with law.

6. The petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

AUGUST 05, 2020

Rahul/A