

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No 522 of 2021

Laxminarayan Sahu, 52 years, s/o Shri Madhoram Sahu, R/o-
Mahamaya Para, Sheetla Ward No. 10, Nevra, Tilda, P.S.- Tilda,
Distt.- Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh through its Secretary, Department of Home, Mahanadi Bhavan, P.S.- Mandir-Hasaud, Naya Raipur (C.G.)
2. District Magistrate, Mungeli, Distt. Mugeli, Chhatisgrh

---- Respondents

For Petitioner : Mr. Pallav Mishra, Advocate.

For Respondents/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

16.08.2021

1. Learned counsel for the petitioner has filed present petition against the order dated 27.07.2021, passed by the District Magistrate, District Mungeli, (C.G.) in case of E-Court No. 202101250600007/ B- 121 {State of Chhattisgarh Vs. Laxmi Sahu} by which the vehicle bearing registration No. CG-04-MR-7892 has been confiscated by the District Magistrate in compliance of the Provisions of Chhattisgarh Agricultural Cattle Preservation Rules, 2014 (henceforth "Rules, 2014").
2. As per the learned counsel for the petitioner submits that there is no case is made out against the petitioner and the order passed by the District Magistrate, Mugeli is *prima facie* illegal and unsustainable in law. However, this Court has gone through the provision of Rule 8 of the said Rules, 2014, which provides alternative remedy of revision before the Sessions Judge. The Rule 8 of Rules, 2014 is extracted below:

“8. Revision before the Session Court against order of the District Magistrate.- Any person aggrieved with the final order passed by the District Magistrate or any result of order, within thirty days of passing of such order may file an application for revision before such Sessions Court within whose jurisdiction, Office of the District Magistrate is situated.

Explanation: The time requisite for obtaining certified copy of order of the District Magistrate shall be excluded while computing period of thirty days referred to in this sub-rule.”

3. In view of the facts & circumstances of the case, the petitioner has an alternative efficacious remedy available under Rule 8 of the Rules, 2014.
4. Accordingly, the present petition is disposed of with a liberty in favour of the petitioner to file criminal revision before the concerning Sessions Judge within a period of 15 days from the date of receipt of certified copy of this order.
5. The certified copy of the impugned order (Annexure P-1) be returned to the counsel for the petitioner, after furnishing an attested photocopy thereof.

**Sd/-
(Narendra Kumar Vyas)
Judge**

Amita/-