

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.14545 of 2008

State of Orissa

Petitioner

....
Mr. P. K. Muduli, AGA

-versus-

Tankadhar Patra

....
Opposite Party
None

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

**ORDER
15.03.2022**

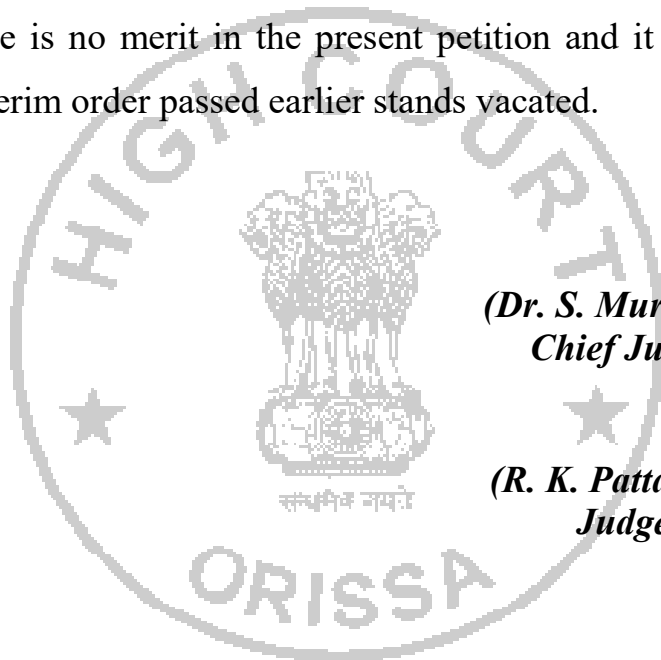
Order No.

- 09.
1. The challenge in the present petition is to an order dated 6th September, 2008 passed by the District Judge, Ganjam allowing FAO No.7 of 2007 filed by the Opposite Party and directing release of tractor and trolley, which had been seized by the Assistant Conservator of Forests, Parlakhemundi (ACF) by an order dated 20th January 2007, in favour of the Opposite Party.
 2. While directing notice to issue in the present petition on 8th December, 2008, the operation of the impugned order was stayed. In other words, for over 13 years now, the tractor has remained as it is without being returned to Opposite Party and without being put to use by anyone. Clearly, the tractor must have depreciated and deteriorated to an extent where it can no longer be used.
 3. In addition to this, the Court finds that in the impugned order the learned District Judge has noted the admission of the

Government pleader that the enquiry to be carried out by the Forest Ranger in terms of Rule 4(2) of the Orissa Forest (Detection, Enquiry and Disposal of Forest Offence), Rules, 1980, had not in fact been carried out.

4. On that short ground, the learned District Judge was justified in setting aside the order dated 20th January, 2007 of the ACF and directing release of the vehicle in favour of the Opposite Party.

5. There is no merit in the present petition and it is dismissed. The interim order passed earlier stands vacated.



(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge

M. Panda