

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 210 of 2019

State of Odisha and Others ***Appellants***

Mr. Ishwar Mohanty, Addl. Standing Counsel

-versus-

Sukanti Malik ***Respondent***

None

CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN

ORDER
29.11.2022

Order No.

02. 1. The challenge in the present writ appeal is to an order dated 25th March, 2019 passed by the learned Single Judge disposing of W.P.(C) No.13148 of 2016 filed by the Respondent. In the writ petition, challenge was made to the order passed by the District Judge, Balasore in FAO No.74 of 2015 for a direction to the State Authorities to release the seized Ashok Leyland Pickup Van belonging to the Respondent.
2. The above vehicle was seized as it was allegedly transporting timber without having a valid Timber Transit Permit (TT Permit). The case was registered on 7th October, 2014 for confiscation of the vehicle under Section 56 of the Odisha Forest Act, 1972.

3. After the competent authority rejected the claim of the Respondent and directed confiscation of both the vehicle and the goods, an appeal was filed by the Respondent before the District Judge.

4. In the meanwhile, proceedings under Rule 21 of the Odisha Timber and Other Forest Produce Transit Rules, 1980 (Rules) were also initiated.

5. The learned Single Judge has come to the conclusion that the goods transported did process the TT Permit issued from West Bengal end where the journey of the vehicle commenced. The destination in Odisha was Chintamanipur in Nilagiri. It was noted that the Vehicle did not have a TT Permit for transportation of the materials outside the State of Odisha.

6. After analyzing Section 56 of the Act, the learned Single Judge came to the conclusion that the offence thereunder is not attracted as far as the journey of the vehicle in question inside the State of Odisha originating from West Bengal was concerned. However, as far as the Respondent not having further TT Permit to transport the goods in question further in the territory of Odisha, the learned Single Judge has allowed the proceedings initiated under Rule 21 of the Rules to continue.

7. Having heard learned counsel for the Appellant, the Court is unable to find any error having been committed by the learned Single Judge in coming to the above conclusions. Whether Section 56 of the Act would be attracted in a given case will obviously depend on the facts of the particular case. The impugned judgment of the learned

Single Judge is indeed peculiar to the facts of the case and cannot obviously constitute a precedent.

8. In that view of the matter, the impugned order does not call for interference. The writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Jena/Secy.

