

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 11930 OF 2022

Jayakrushana Barik **Petitioner**

Mr. Rabindra Kumar Patnaik, Advocate

-versus-

Divisional Forest Officer, Keonjhar **Opp. Parties**
Division (T) and another

Mr. Dillip Kumar Mishra,
Additional Government Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

13.09.2022

Order No.

6. 1. This matter is taken up through hybrid mode.
2. Pursuant to the direction of this Court dated 25th August, 2022, Mr. Dhanraj Hanumant Dhamdhare, Divisional Forest Officer, Keonjhar Forest Division, Keonjhar-Opposite Party No.1 is present in Court.
3. Mr. Mishra, learned Additional Government Advocate submits that, in fact, instruction was provided by the concerned D.F.O., Keonjhar Forest Division, Keonjhar on 12th August, 2022, but the same could not be placed before learned State counsel. In that view of the matter, a submission was made on behalf of learned State Counsel to the effect that in spite of repeated communications and telephone calls, the Divisional Forest Officer, Keonjhar Division (T) has not yet turned up to provide instruction or to file counter affidavit and this Court directed for personal appearance of the D.F.O., Keonjhar-Opposite Party No.1.

4. In view of the submission made by Mr. Mishra, learned Additional Government Advocate, personal appearance of Mr. Dhanraj Hanumant Dhamdhare, Divisional Forest Officer, Keonjhar Forest Division, Keonjhar-Opposite Party No.1 is dispensed with for the time being.

5. An affidavit has been filed by the Opposite Party No.1 in Court today, which is taken on record.

6. The Petitioner in this writ petition prays for a direction to release his Tractors bearing Registration No.OD-09-B-8905 and OD-09-L-4070 along with their trolleys loaded with stone (boulder).

7. It is submitted by Mr. Patnaik, learned counsel for the Petitioner that for transportation of boulder, the Petitioner has valid permit from the Officer under the provisions of the Odisha Minor Minerals Concession Rules, 2016. The vehicles were not seized in the forest area but, it was seized on NH-49. He, therefore, submits that there was no reason either to seize the vehicles or to initiate confiscation proceeding under Section 56 of the Odisha Forest Act, 1972 (for short 'the Act'). Hence, he prays for release of the aforesaid vehicles.

8. Mr. Mishra, learned Additional Government Advocate along with the Mr. Dhanraj Hanumant Dhamdhare, Divisional Forest Officer, Keonjhar Forest Division, Keonjhar, who is present in Court submits that confiscation proceeding in C.P. No.1 of 2022-23 has been initiated and is pending before Authorised Officer-cum-Assistant Conservator of Forests, Keonjhar Forest Division, Keonjhar-Opposite Party No.2. The

D.F.O., keonjhara, who is present in Court submits that the confiscation proceeding can be disposed of within a period of two months, if the Petitioner cooperates with the A.C.F.-cum-Authorised Officer, Keonjhar-Opposite Party No.2 for disposal of confiscation proceeding.

9. In that view of the matter, this Court without delving into the contention made by learned counsel for the Petitioner disposes of the writ petition with a direction that the A.C.F.-cum-Authorised Officer, Keonjhar Division, Keonjhar-Opposite Party No.2 to dispose of confiscation proceeding in C.P. No.1 of 2022-23 as expeditiously as possible preferably within a period of two months from today in accordance with law giving opportunity of hearing to the parties concerned.

10. The Petitioner is directed to appear before the Opposite Party No.2 on 26th September, 2022 along with certified copy of this order and cooperate with the Authority for early disposal of the confiscation proceeding in C.P. No.1 of 2022-23.

11. As requested, a copy of this order shall be handed over to Mr. Mishra, learned Additional Government Advocate for communication and compliance.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge