

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 21445 of 2021

Tahasil Jagat

..... Petitioner

Mr.Basudev Mishra, Advocate

-versus-

***Authorized Officer-cum-Assistant
Conservator of Forest, Nabarangpur
Forest Division, Nabarangpur and
another***

.... Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
04.07.2022**

Order No.

5. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition prays for a direction to release the Bolero Pick-up vehicle bearing registration No.OD-24-F-6717, which has been allegedly seized illegally and detained by the forest officials.
3. Mr. Mishra, learned counsel for the Petitioner submits that from the seizure list as well as the offence report, it is clearly established that vehicle bearing registration No.OD-24-F-6719 has been seized for forest offence, but the forest officials most illegally detained his vehicle bearing registration No.OD-24-F-6717 (Bolero Pick-up). It is submitted that the Petitioner is not accused in the forest offence and no confiscation proceeding in respect of his vehicle, has been initiated. In that view of the matter, he prays for release of his vehicle.

4. In course of hearing, Mr. Mishra, learned counsel for the Petitioner, however, submits that since the averments made in the writ petition needs factual adjudication, interest of justice will be best served if the Petitioner raises the grounds taken in the writ petition during the confiscation proceeding. Therefore, he prays for withdrawal of the writ petition.

5. Mr. Mishra, learned ASC has no objection to the above submission. He, however, submits that he has no instruction regarding stage of the confiscation proceeding.

6. Considering the rival contentions of the parties, this Court, without expressing any opinion on the merit of the case of the Petitioner, disposes of the writ petition with a direction to the Authorized Officer-cum-Assistant Conservator of Forest, Nabarangpur-Opposite Party No.1 to dispose of the confiscation proceeding No.192 of 2020-21 in accordance with law giving opportunity of hearing to the parties concerned including the Petitioner, as expeditiously as possible, preferably within a period of six months from the date of production of certified copy of this order, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy