

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.22276 of 2021

Chandramohan Behera

....

Petitioner

-versus-

State of Odisha & others

....

Opposite Parties

CORAM: JUSTICE S.PUJAHARI

ORDER

23.03.2022

Order
No.

05.

1. This matter is taken up through Hybrid mode.
2. The Petitioner has filed this writ petition seeking a direction to the Opposite Parties to release his vehicle bearing registration number OD-09-J-4388, which has been seized while transporting the sand from the forest land.
3. As it appears, the aforesaid vehicle of the Petitioner has been seized in connection with the forest produce. However, during the course of hearing, it is submitted that a counter affidavit has been filed indicating therein that the vehicle of the Petitioner was seized in a reserve forest while transporting the sand from the reserve forest, which is a forest produce, for commission of

forest offence using the vehicle. The confiscation proceeding, therefore, has been initiated against such vehicle by the Authorized Officer vide C.P No.08/2021-22.

4. Learned counsel for the Petitioner submits that since the Petitioner had given his vehicle on lease to some one else and also there is no material to show that the aforesaid is forest produce, the seizure of his vehicle is illegal and as such in exercise of the writ jurisdiction of this Court should direct release of the vehicle.

5. Learned counsel for the State would submit that there is no illegality in the seizure of the vehicle and the direct materials being available using the vehicle for commission of forest offence against the forest produce, the same was seized and the confiscation proceeding has been initiated.

6. From the aforesaid contentions of the parties, it appears to this Court that the disputed question of facts is involved in this case, which cannot be effectively adjudicated in this writ petition, more so when a confiscation proceeding has already been initiated, the Petitioner can ventilate his grievance before

the said Authorized Officer which can be effectively adjudicated. Hence, this writ petition stands dismissed with a direction to the Authorized Officer to dispose of the aforesaid confiscation proceeding, as expeditiously as possible, preferably within four months from the date of receipt of a certified copy of this order. The Petitioner is also directed to cooperate for disposal of the aforesaid confiscation proceeding.

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

(S. Pujahari)
Judge

PKS

