

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 26039 of 2022

Sarbeswar Khanda

....

Petitioner

Mr. Gyaneswar Satpathy, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

01.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this writ petition seeks to assail the action of the authorities under the Odisha Forest Act, 1972 (for short, 'the Act') in seizing his vehicle bearing registration No.OSM 1002 (Tipper).
3. Mr. Satpathy, learned counsel for the Petitioner submits that when the vehicle was loaded with broken black granite stone, the same was seized near Itamundia village road. It is submitted that at the time of seizure of the vehicle no seizure list was supplied to the Petitioner, but subsequently on demand Annexure-1 was supplied to him, which discloses that after the alleged seizure, confiscation proceeding under Section 56 of the Act has been initiated and is pending before the Authorized Officer in OR Case No.147BA of 2021-22. It is his submission that the vehicle of the Petitioner is never involved in any forest office and the seizure of the vehicle is not legally sustainable. He, therefore, prays for release of his aforesaid vehicle.

4. Mr. Mishra, learned ASC submits that the vehicle has been seized by the forest official and confiscation proceeding has already been initiated. Hence, interim release of the vehicle at this stage is not permissible under law. However, the Petitioner may participate in the confiscation proceeding and in that event, an endeavour can be made for early disposal of the same.

5. Taking into consideration the submissions of learned counsel for the parties and in view of the provision under Section 56 (3) of the Act, this Court is not inclined to entertain the prayer made by learned counsel for the Petitioner. However, since the vehicle has been seized since 14th October, 2021, endeavour should be made by the concerned Authorized Officer to dispose of the confiscation proceeding as expeditiously as possible, preferably within a period of eight months from the date of production of certified copy of this order. The Range Officer, Baripada-Opposite Party No.3 is also directed to submit the enquiry report, if not already submitted, at an early date.

6. The writ petition is disposed of with the aforesaid observation.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge