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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA/107/2024

BAJINDER SINGH CHEEMA@BAJINDER SINGH
VS
THE STATE OF WEST BENGAL AND ORS

Mr. Rhiddhiman Mukherjee
Mr. Ghanashyam Jha
Ms. Oshmita Mukherjee
...For the Petitioner
Mr. Subir Kr. Saha
Mr. Nabankur Paul
...for State

Affidavit of service filed in Court is taken on record.

The petitioner challenges the jurisdiction of the Range Officer in issuing the Memo No.141/ES-15 and Memo No.142/ES-15 both dated 20th May, 2021 to take steps under Section 59A of Indian Forest Act, 1927. Notice under Rule 8 of the West Bengal Forest Produce Transit Rules, 1959 in respect of the seized vehicle of the petitioner along with the forest produces was issued upon the petitioner and also upon the driver of the vehicle.

A further notice under Section 59B of Indian Forest (West Bengal Amendment) Act, 1988 in connection with Forest Case No.01/COB of 2021-22 was issued to the petitioner by the Authorized Officer, Alipurduar, Jalpaiguri & Cooch Behar District, to show cause for commission of the offence using the vehicle. The petitioner was also afforded an opportunity of hearing before the authorized officer along with all

relevant papers and documents in connection with the seized truck.

The petitioner submits that final order has not been passed by the said authority and, accordingly, the petitioner cannot explore the avenues open to him.

A legal representation was filed by the petitioner in the month of November, 2023. The petitioner alleges that the said representation has not been disposed of by the respondent authorities till date.

Learned advocate representing the State respondents produces a copy of the order No.127/15-413 dated 9th June, 2023 passed by the Authorized Officer, Alipurduar, Jalpaiguri & Cooch Behar District and the Divisional Forest Officer, Jaldapara Wild Life Division, Cooch Behar in support of the submission that final order has already been passed by the said officer. The vehicle of the petitioner has been confiscated under Section 59A(3).

A copy of the said order has been served upon the learned advocate representing the petitioner in Court today. It will be open for the petitioner to initiate further legal proceedings, if so advised.

Learned advocate for the petitioner submits that opportunity may be given to represent the petitioner online as the petitioner is all the way from Punjab.

It will be open for the petitioner to make this prayer before the concerned authority.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)