

Court No. 2
11.07.2024
Item No.7
dc.

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 184 of 2024

Vijay Agarwal
VS
State of West Bengal & Ors.

Mr. Sayan De,
Dr. Navin Barik,
Ms. Esha Acharya
... for the petitioner.

Mr. Nabankur Paul,
Ms. Patralekha Chowdhury
... for the State.

Report submitted by the State be kept with the
record.

In the inner page 2 of the order dated
26.09.2023 passed by Authorized Officer, Alipurduar
District and Deputy Field Director, Buxa Tiger Reserve
(West). It has been referred to that on 14.05.2023 at
about 11:10 am The range officer, West Damanpur
Range seized the following articles on spot under
section 52 of Indian Forest (West Bengal Amendment
1988) Act, 1927 and prepared the seizure list –

1. One Ashok Leyland Truck bearing
registration number DD 01F/9741
2. Semi-finished panel door frames of teak
sawn timber – 270 pieces without any
government hammer impression.

The petitioner has filed a supplementary
affidavit and enclosed the document which was dated

10.05.2023 signed by Range Officer, Central Forest Range, Kolasib, Mizoram. The said document reflects that as the abovementioned furniture made from legal Timber, he has no objection in allowing Shri Ramhluna Khiantge to transport the same from Kolasib, Mizoram to the destination, Varanasi (Uttar Pradesh) vide Vehicle No. DD-01-F9741.

As the Semi-finished panel door frames of teak sawn timber – 270 pieces were without any government hammer impression, the Authorized Officer, Alipurduar District confiscated the same by exercising his power under Section 59A of the Act.

Learned advocate appearing for the answering respondent has opposed the contention of the petitioner additionally on the ground of alternative remedy being available.

As the subject-matter of the case relates to products which are liable to be deteriorated and the authority of the Deputy Field Director is the subject-matter of challenge before this Court, considering the settled proposition of law, I have entertained the writ petition in spite of alternative remedy being available.

Having considered that permission was granted by the Range Officer, Central Forest Range, Kolasib, Mizoram pursuant to which the petitioner transported the goods, I direct the Authorized Officer, Alipurduar District and Deputy Field Director, Buxa Tiger Reserve (West) to consider the authenticity of

this document dated 10.05.2023 which was issued by the Range Officer, Central Forest Range, Kolasib, Mizoram and if the same is found to be genuine, it would be in the interest of justice, on bond 270 pieces of semi-finished panel door frames of teak sawn timber be released on condition as he deems fit and proper till the end of criminal trial.

With the aforesaid observations, the writ petition being WPA 184 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

There shall be no order as to costs.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)