

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 20293 of 2023**

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JESHINGBHAI DANABHAI BARAD**Versus****RANGE FOREST OFFICER**

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Appearance:**MR MB PARIKH(576) for the Petitioner(s) No. 1****MS SHRUTI PATHAK, AGP for the Respondent(s) No. 1,2,3,4****NOTICE SERVED BY DS for the Respondent(s) No. 1,2,3**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 08/01/2024****ORAL ORDER**

1. Leave to amend the Deputy Conservator of Forest as party respondent No.5 forthwith.

2. By way of present petition, the petitioner herein has prayed for release of the vehicle being JCB Machine bearing registration No.GJ-14-M-5510, Chasis No.HAR3DXSSC01868191 and Engine No.H00072380 belonging to the petitioner.

3. Heard Mr. M.B. Parikh, learned advocate appearing for the petitioner and Ms. Shruti Pathak, learned AGP appearing for the respondents.

4. Mr. M.B. Parikh, learned advocate appearing for the

petitioner, submitted that the vehicle of the petitioner is illegally seized/detained by the respondent authority by issuing seizure memo dated 30.09.2023. The said vehicle being not released by the competent authority, the petitioner is constrained to approach this Court seeking the relief as referred above.

5. Ms. Shruti Pathak, learned AGP appearing for the respondent – authority, upon instructions, submitted that the petitioner being owner of the vehicle be relegated to the respondent No.5 – Deputy Conservator of Forest for release of the vehicle-in-question. It is also submitted that the petitioner being owner of the vehicle, the summons is issued in the name of the petitioner which is duly produced at Annexure – F, page 9. It was submitted that if the petitioner were to approach the respondent No.5 with respect to the release of the vehicle-in-question under Section 61 of the Forest Act, 1927, the same would be considered by the competent authority.

6. Considering the aforesaid submissions, without entering into the merits of the matter, the statutory remedy lies by approaching the respondent No.5 under Section 61 of the Act and in view thereof, if the petitioner were to approach the

respondent No. 5 - Deputy Conservator of Forest seeking release of the vehicle of the petitioner being JCB Machine bearing registration No.GJ-14-M-5510, Chasis No.HAR3DXSSC01868191 and Engine No.H0s0072380, the same be considered within a period of four weeks from the date of receipt of the order in accordance with law.

7. With the aforesaid, the present petition stands disposed of. Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

NEHA