



IN THE HIGH COURT OF JUDICATURE AT BILASPUR ( CHH.G.) <sup>3</sup>

WRIT PETITION NO. 45/2000

PETITIONER

Mahavir Prasad Agrawal son of  
Shri Jagatram Agrawal aged about  
40 years, R/o Patthalgaon  
Distt. Jashpur Nagar (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh  
Through Secretary,  
Forest Department, Mantralaya  
Raipur (Chhattisgarh)
2. Conservator of Forest  
Bilaspur Circle, Bilaspur  
(Chh.G.)
3. Competent Authority-cum-  
Sub-Divisional Officer  
(Forest) Dharamjaigarh  
Distt. Raigarh (Chhattisgarh)

PETITION UNDER ARTICLES 226/227

OF THE CONSTITUTION OF INDIA

आदेश पत्रक

H.P.

45/2000

Other then Service matter.

मामला क्रमांक

सन् 1999

Mahanir Pd.

विरुद्ध

State of Chhattisgarh S.B.

आदेश का दिनांक आदेश क्रमांक सहित	Writ Petition No. 45/2000 आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>24-11-2000</u></p> <p>Shri Prakash Bhawe, learned counsel for the petitioner. Dr. N.K. Shukla, learned Deputy Advocate General for the respondents.</p> <p>The matter is finally heard.</p> <p>By this petition, under Article 227 of the Constitution of India, the petitioner seeks relief that during pendency of the appeal before the Conservator of Forest, Truck No. MP-26/D-4676 be released in his favour on proper terms and conditions.</p> <p>The petitioner, in support of his case, has relied upon the earlier orders which were passed in his favour by the department so also by the High Court. One such order is annexed to the petition as Annexure P-2 in which the High</p>	<p>P. R. Pres. Time Date Petit. Pres. with by S. bo</p> <p>1+2</p> <p>Ch and It b C ca</p>

आदेश पत्रक ( पुर्वानुबद्ध )

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Court ordered that the vehicle in question shall continue in custody of the petitioner on the original terms and conditions of the <u>Supurdagi</u> during the pendency of confiscation proceedings. The earlier terms and conditions were that the petitioner was required to furnish solvent security to the tune of Rs.4,00,000/-(Rupees Four Lakhs) and furnish a bank guarantee of Rs.1,00,000/-(Rupees One Lakh). It appears that the confiscation proceedings came to an end and thereafter in the month of November, the vehicle in dispute has been seized by the forest department in accordance with the confiscation order .</p> <p>The grievance of the petitioner appears to be that since June, 2000, neither his appeal<sup>is</sup> being heard nor orders on his interim application are being passed, therefore, this Court must intervene and interfere and direct to release of the Truck.</p> <p>Dr.N.K.Shukla, learned counsel for the State, submits that as the proceedings before the respondent No.3, Competent Authority-cum-Sub-Divisional Officer (Forest), Dharamjaigarh, District Raigarh have come to an end, there would be no propriety in releasing the Truck in favour of the petitioner. According to him, if the Truck is to be released in favour of the petitioner instead of solvent security, the bank guarantee must be taken to protect the interest of the State.</p> <p>After hearing the parties, I am of the opinion</p>	

## आदेश पत्रक

Writ Petition No. 45/2000

मामला क्रमांक ..... सन् 199

विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>that to save <del>the</del> vehicle from deterioration and to save its value and proper upkeep, it is necessary to release the Truck in favour of the petitioner.</p> <p>On petitioner's furnishing an absolute undertaking in favour of the appellate authority that in the event of the appeal being dismissed, he would return back the Truck without raising any objection, the Truck may be released in his favour. The petitioner shall be obliged to furnish/submit a bank guarantee in sum of Rs.3,00,000/-(Rupees Three Lakhs) and a solvent security for an amount of Rs.2,00,000/-(Rupees Two <del>L</del> Lakhs) in favour of the respondent No.3, Competent Authority-cum-Sub-Divisional Officer (Forest), Dharamjaigarh, District Raigarh.</p> <p>The petition is allowed.</p> <p>Certified copy on usual charges.</p> <p style="text-align: right;">Sd/- Acting Chief Justice</p>	

G.S.

[पीछे देखिये]