

WP(C) 5515/2007

BEFORE

THE HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr R P Kakati, learned counsel for the petitioner. Also heard Ms V L Sinha, learned Government Advocate appearing for the respondents.

2. This Court by order dated 20.8.2007 in WP(C) No. 3486/2007 directed the Divisional Forest Officer(DFO), Karimganj Division to release the seized truck bearing registration No. MZ01-D-4521 of the petitioner on furnishing adequate security to the satisfaction of the above authorities. The DFO by communication dated 29.9.2007 directed the petitioner to furnish irrevocable Bank Guarantee for an amount of Rs. 8,25,000/-, taking that to be a value of the seized truck.

3. Mr Kakati, learned counsel for the petitioner submits that the petitioner has no cash balance in the Bank which would enable him to furnish the bank guarantee required by the DFO by the aforesaid letter dated 29.9.2007. Instead the petitioner by his written communication dated 4.10.2007 (Annexure 10) has indicated that his brother is agreeable to make himself as a guarantor and also offer his landed property worth over Rs. 15 lakhs as security for releasing the said vehicle. The learned counsel has also referred to the provisions of Regulation 49 (A) of the Assam Forest Regulations, which permits release of the seized vehicles on furnishing only personal bond from the owner, to the satisfaction of the releasing authority.

4. In view of above, the learned counsel for the petitioner prays that the truck bearing registration No. MZ01-D-4521, which was seized by the authorities nearly 4 (four) months back, be ordered to be released by the DFO without insisting on furnishing of bank guarantee but on furnishing of bond and security of landed property.

5. The above contention made by the petitioner appears to have force. Accordingly, I direct that the DFO, Karimganj to implement the order passed by this Court on 20.8.2007 in WP(C) No. 3486/2007, without insisting on bank guarantee, for release of the Truck. The release of the truck should be permitted on the basis of other security and bond offered by the petitioner, through his communication dated 4.10.2007 to the satisfaction of the DFO. The DFO would take necessary steps in this regard within a period of 2 (two) weeks from the date of furnishing alternate security and bond by the petitioner.

6. With the aforesaid direction this writ petition stands disposed of.