

*Item No. 1***MC(PIL) No. 3 of 2020**

Amom Shamungou Singh

....Applicant

-Versus-

State of Manipur & Anr

....Respondents

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

19.05.2020
(*L. Jamir, J*)

Heard Mr. Th. Babloo, learned counsel appearing for the applicant. Also heard Mr. N. Kumarjit, learned AG, Manipur appearing for the respondents.

By this application, the applicant who is the owner of a Shaktiman vehicle bearing Registration No. MN-028-8440, Chasis No. 89VFJ 35313P, Engine No. 51011013046 of Tata Make is praying for releasing the said vehicle which was seized on 4-10-2019 by the Forest authorities with 5 cums of stone boulders from a stone crusher at Longa Koireng village. After the seizure of the applicant's Shaktiman, the Range Forest Officer lodged a complaint against the applicant and the driver of the vehicle. It is the case of the applicant that he is in no way involved with the offence committed by the vehicle driver inasmuch as the driver of the said vehicle was authorized by the applicant only for transportation of cement bags and iron rods. To that effect, the applicant had also executed an agreement dated 25-09-2019 with the driver. However, without the knowledge of the applicant, the driver had committed the alleged offence thereby leading to the seizure of the vehicle.

The applicant thereafter had also approached the Court of the Authorized Officer, Bishnupur Forest Department, Bishnupur, Manipur for release of this vehicle. However, by an order dated 17th February, 2020, the prayer of the applicant was rejected on the ground that this Court had issued orders for not releasing any vehicle except with the permission of the High Court.

It is further submitted that the applicant shall take all steps to ensure that his vehicle is not used for lifting of sands and stones for selling to the public, if the vehicle is released by this Court.

Learned AG, Manipur submits that he has no objection for releasing the vehicle of the applicant provided that appropriate amount of fine is fixed by this Court.

After hearing learned counsel for the parties and on consideration of the materials available in the present application, we are of the considered opinion that the Shaktiman vehicle of the applicant bearing, Registration No. MN-028-8440, Chasis No. 89VFJ 35313P, Engine No. 51011013046 of Tata Make maybe allowed to be released with the following condition:

- a) The applicant shall not carry out any business of lifting sands and stones from any river in the State of Manipur for selling to the public until permit is issued by the State Government after following due procedures.
- b) The applicant shall cooperate with the investigation which is being conducted by the authorities of Forest Department.
- c) The applicant shall pay a sum of Rs. 5000/- (five thousand only) to the Office of the District Forest Officer, Bishnupur which may be adjusted against the fine, if any, to be imposed after the proceedings against the petitioner is completed.

- d) The Shaktiman vehicle of the applicant bearing Registration No. MN-028-8440, Chasis No. 89VFJ 35313P, Engine No. 51011013046 of Tata Make shall be released to the applicant as and when the applicant approaches the concerned authorities subject to the aforesaid directions.

With the above observations and directions, misc case stands disposed of.

JUDGE

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