

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17173 of 2014

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Dina Nath Prasad Gupta S/o - Ravi Chandra Prasad Gupta R/o Village - Karwandia,
P.S. - Sasaram, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circe, District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 20161 of 2014

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Chhote Lal Singh S/o- Sahatu Singh, R/o Village-Amri, P.O.- Karwandiya, P.S.-
Sasaram (M), District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department, Government of Bihar, Patna
2. The Chief Conservator of Forest, Bihar, Patna
3. The District Magistrate, Rohtas, Sasaram
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram
5. The District Forest Officer, Rohtas, Sasaram
6. The Range Officer Sasaram Forest Area at Sasaram
7. The Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22073 of 2014

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Sumer Singh son of Dudh Nath Singh, resident of village-Jamuhar, P.S. - Dehri,
District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 21447 of 2014

Shivaji Singh S/o Sri Ramdeo Singh R/o Chandani Chowk, 11 No. Lakh Buxar, P.S. Buxar, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer, Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle District Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 22135 of 2014

Rajesh Kumar Singh S/o - Kedar Nath Singh R/o Mohalla- Trigundehri, P.O. AND P.S. - Dehri, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circe, District - Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 21741 of 2014

Ritesh Kumar Patel Son of Mithlesh Chaudhary, resident of village-Darekhap, P.S. Rajpur, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.

2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas, Forest Division, Sasaram, Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22121 of 2014

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Bablu Singh S/o -Krishna Singh R/o Village - Dharupur, P.S. - Bikramganj, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forester Tilauthu cum Darigaon, Forest Circle District - Rohtas.

.... Respondent/s

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Appearance:

(In CWJC No. 17173 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. KUMAR PRIYARANJAN, SC-23

(In CWJC No. 20161 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. SANTOSH KUMAR JHA, GP-3

(In CWJC No. 22073 of 2014)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. AVINASH KR., SC-30

(In CWJC No. 21447 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. NADEEM SERAJ, GP-20

(In CWJC No. 22135 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

For the Respondent/s : Mr. D.K. PRASAD, GP-7

(In CWJC No. 21741 of 2014)

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. ABBAS HAIDAR, SC-16

(In CWJC No. 22121 of 2014)

For the Petitioner/s : Mr. Uma Shankar Singh

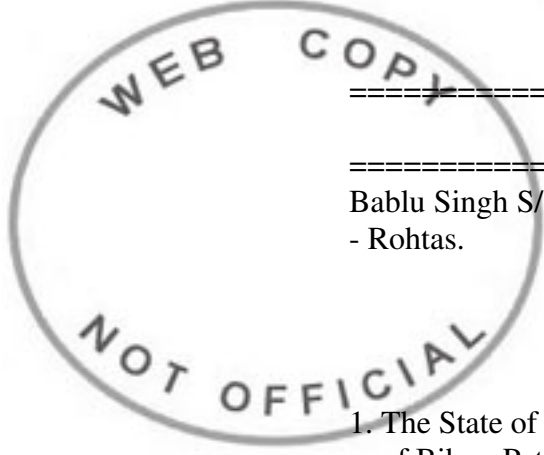
For the Respondent/s : Mr. ARVIND KR. NO. 2, SC-17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-04-2015



Heard learned counsel for the parties.

Since in each of these cases the relief prayed by the petitioners is identical hence they have been taken up together for analogous hearing and final disposal with the consent of the parties.

The petitioners in each of the writ petitions seek a direction to the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, District-Rohtas at Sasaram under the Indian Forest Act, 1927, for provisional release of their respective vehicle pending adjudication of the confiscation proceedings. In each of these cases the vehicle of these petitioners stands seized on grounds of alleged violation of the provisions of the Indian Forest Act and which has led to institution of the Forest Case which is now pending consideration in respective confiscation proceedings before the Authorized Officer who happens to be the Divisional Forest Officer, Rohtas Forest Division, Rohtas. The contention advanced by the learned counsel for the respective petitioners is that keeping the vehicles under the open sky to face the vagaries of the weather would serve no purpose and would only turn them obsolete rendering them useless for any future use and which would benefit none rather it would only result in loss.

Learned counsel for the respective petitioners have stated that the petitioners would not be creating any third party right



nor they would alienate the vehicle pending disposal of the respective confiscation case and that they would produce the vehicle as and when required in the confiscation proceedings. It is also the contention of learned counsel that release petitions have also been filed before the statutory authority but has remained pending in most of the cases and thus these writ petitions.

The individual details of the petitioner in each of the writ petitions are given hereinbelow.

(1). **C.W.J.C. No. 17173 of 2014**

In this case vehicle of the petitioner bearing Registration No. BR24G / 3681 and Engine No. RDT 31667 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 62 of 2013 which has led to registration of Confiscation Case No. 110 of 2013 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(2). **C.W.J.C. No. 20161 of 2014**

In this case the vehicle of the petitioner bearing Registration No. BR24G/8237 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 61 of 2014 which has led to registration of Confiscation Case No. 81 of 2014 pending adjudication before the

Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(3). **C.W.J.C. No. 22073 of 2014**

In this case the vehicle of the petitioner bearing Registration No. BR01GC/0370 was seized on allegations of transporting forest produce without any supportive papers giving rise to Forest Case No. 75 of 2014 which has led to registration of Confiscation Case No. 100 of 2014 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(4). **C.W.J.C. No. 21447 of 2014**

In this case the vehicle of the petitioner bearing Registration No. BR44G/2235 was seized on allegations of transporting stone chips without any supportive papers giving rise to Forest Case No. 70 of 2014 which has led to registration of Confiscation Case No. 94 of 2014 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(5). **C.W.J.C. No. 22135 of 2014**

In this case the vehicle of the petitioner bearing Registration No. CG12C / 0754 was seized on allegations of transporting stone chips without any supportive papers giving rise to

Forest Case No. 29 of 2014 which has led to registration of Confiscation Case No. 98 of 2014 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(6). **C.W.J.C. No. 21741 of 2014**

In this case the vehicle of the petitioner bearing Registration No. UP 12L / 2545 was seized on allegations of transporting stone chips without any supportive papers giving rise to Kargahar P.S. Case No. 326 of 2014 which has led to registration of Confiscation Case No. 85 of 2014 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

(7). **C.W.J.C. No. 22121 of 2014**

In this case the vehicle of the petitioner bearing Registration No. BR01GC / 9048 was seized on allegations of transporting stone chips without any supportive papers giving rise to Nokha P.S. Case No. 189 of 2014 which has led to registration of Confiscation Case No. 97 of 2014 pending adjudication before the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram

I have heard learned counsel for the parties and I have perused the materials on record.



As I have taken note of hereinabove, the vehicles of these petitioners stand seized on allegation of being loaded with illegally mined stone chips. Though learned counsel for the respective petitioners have tried to defend the load carried on each of the vehicles but considering that the matter is pending adjudication before the statutory authority, this Court would express no opinion thereon. However taking note of the circumstances that these vehicles are lying unattended under the open sky to face the vagaries of weather, this Court is of the opinion that allowing these vehicles to turn obsolete would benefit none rather it would only lead to losses and thus this Court would deem fit and proper to order for the provisional release of the vehicles subject to furnishing of supporting papers of ownership and security as deem fit and proper by the authorized officer and which release obviously would be subject to final outcome of the confiscation proceedings.

In the circumstances discussed, this Court would direct the Divisional Forest Officer, Rohtas Forest Division, Rohtas cum Authorized Officer under the Forest Act, 1927 in seisin of the respective confiscation cases which are subject matter of the present proceedings to order for the release of the respective vehicles in favour of the petitioners within eight weeks of the receipt/production of a copy of the order subject to the fulfillment of the following

conditions.

- (a) The petitioner shall produce all original papers supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.
- (b) The petitioner shall file an undertaking in the form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings and shall produce the vehicle as and when required in the confiscation proceedings.
- (c) The petitioner shall furnish such security as deem fit and proper by the Divisional Forest Officer-cum-Authorized Officer, Rohtas at Sasaram which shall neither be in the form of cash nor bank guarantee; and
- (d) The release of the vehicle shall be governed by the final outcome of the confiscation proceedings.

With the observations and directions aforementioned,
the writ petitions are disposed of.

S.Sb/-

(Jyoti Saran, J)

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