

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5525 of 2005

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Sagar Singh, Son of Late Jokhan Singh, Resident of Village Dayal Bigha (Barahiabagh), P.O. Kaarwandia, P.S.- Sasaram (M), District- Rohtas.
..... Petitioner.

Versus

1. The State of Bihar through the Divisional Forest Officer, Shahabad Forest Division, Sasaram, Rohtas.
 2. The Secretary, Environment and Forest Department, Bihar, Patna.
 3. Collector-cum-District Magistrate, Rohtas at Sasaram.
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad No. 2, Advocate
For the Respondent/s : Mr. Mukund Mohan Jha, AC to GP. 31.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

16 20-01-2015 The petitioner prays for quashing the order dated 22.11.2003, passed by the Secretary, Environment and Forest Department, Bihar, Patna (respondent no.2) in Revision Case No. 08 of 2003 contained in Annexure-8 affirming the order dated 30.12.2002, passed by the District Magistrate, Rohtas at Sasaram in Misc. Confiscation Case No. 23 of 2002 contained in Annexure-7, whereby he has confiscated the Tractor of the petitioner along with trolley and 40 Cft. Stone chips by Forester.

2. The petitioner is owner of Tractor and Trolley bearing registration no. BR 24 B 0663.

3. In the year 2001, one R. B. Traders, a registered contractor of Railway Department hired petitioner's tractor on rent for carrying some stone chips from village Amari for Railway



bridge. While the tractor was loaded with stone chips, it was seized by the Forest Officials, giving rise to Forest Case No. 172 of 2001 under Section 33 read with Sections 41 and 42 of the Indian Forest Act. In the aforesaid case, the Senior Divisional Engineer, East Railway, Mugalsarai, R. B. Traders as well as the petitioner were made accused.

4. The petitioner has made two fold contentions. He submits that he had no knowledge that the stone chips loaded on his Tractor had been extracted from the Forest area. That this Court in Criminal Writ No. 496 of 2001 has upheld the contention of the Railway Officials that the stone chips were not extracted from the Forest Area and has consequently quashed the prosecution case against the Railway Officials vide order dated 18.11.2011, passed in Criminal Writ No. 496 of 2001.

5. The petitioner submits that his involvement liability was even limited, as he has given the tractor at the request of R. B. Traders for carrying out the stone chips for Railway Bridge, which was a project of Central Government. Consequently, his case would be better than those two officials, whose prosecution has been quashed by this Court.

6. I find substance in the submissions made on behalf of the learned counsel for the petitioner.

7. As this Court has held that the stone chips, which were being used for the Railway bridge, were not extracted from Forest Area, the case of the petitioner too would succeed. The order dated 22.11.2003, passed by the Secretary, Environment and Forest Department, Bihar, Patna (respondent no.2) in Revision Case No. 08 of 2003 affirming the order dated 30.12.2002, passed by the District Magistrate, Rohtas at Sasaram in Misc. Confiscation Case No. 23 of 2002, are set aside. The respondents are hereby directed to release the Tractor and trolley of the petitioner forth with.

8. This application stands allowed.

(Samarendra Pratap Singh, J.)

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