

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11944 of 2014

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Govind Narayan Singh Son of Shree Gopal Narayan Singh Resident of at &
P.O.- Jamuhar, P.S.- Dehri-on- Sone, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Secretary (Forest), Government of Bihar, Patna.
2. The Collector- cum- Appellate Authority, Rohtas at Sasaram.
3. The Divisional Forest Officer, Sasaram.
4. The Forest Range Officer, Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Pd. Singh (Sr Advocate)
Mr. Rajeev Kumar Singh (Adv.)
Mr. Priyadarshi Matri Sharan (Adv.)
For the Respondent/s : Mr. Anurag Saurav, AC to SC - 20

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 31-08-2015 Heard Sri Rajendra Prasad Singh, learned senior
counsel, who was assisted by Sri Rajeev Kumar Singh, learned
counsel for the petitioner and learned A.C. to Standing Counsel -
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The petitioner, during the pendency of appeal against
the order of confiscation of his vehicle namely Hyundei Earth
Mover Machine (Excavator), Engine No. 62953125, has
approached this Court invoking its writ jurisdiction under Article
226 of the Constitution of India, with a prayer to direct for
provisional release of the vehicle in question in favour of the
petitioner.



It has been argued that though, the vehicle was illegally and unauthorizedly seized & confiscated and the petitioner preferred an appeal before the appellate authority, the appellate authority since 2013 has not taken any step for disposal of the appeal. It has further been argued that allowing the vehicle to remain in open sky will certainly allow the vehicle to be destroyed and as such, in all fairness, either direction be given to conclude the appeal or pass an order for provisional release of the vehicle in favour of the petitioner.

After the seizure of the vehicle in question, a confiscation case no. 11/12 (T) was initiated and finally, it was confiscated by the confiscating authority namely Divisional Forest Officer by its order dated 23-03-2013. Aggrieved with the order of confiscation, the petitioner approached the District Magistrate-cum-appellate authority by filing an appeal, vide Appeal (Forest) No. 39 of 2013. It is not in dispute that till date, appeal has not been disposed of.

With a view to protect the vehicle from being destroyed or decayed, the Court is of the opinion that the writ petition can be disposed of with an observation that the District Magistrate-cum-appellate authority, Rohtas at Sasaram may take appropriate step so that the Appeal (Forest) Case No. 39 of 2013

may finally be disposed of within a period of eight weeks from the date of receipt/production of a copy of this order. The petitioner shall render full assistance and cooperation to the appellate authority for disposal of the appeal within aforesaid time. If even after full cooperation by the petitioner side, the appellate authority fails to decide the appeal within specified period, he/she shall be required to release the vehicle provisionally in favour of the petitioner on furnishing of appropriate bond and security as well as appropriate bank guarantee. The petitioner shall also produce relevant documents regarding ownership of the vehicle with further undertaking that as and when required, he shall produce the vehicle before the authority concerned. The petitioner shall give undertaking that during provisional release, he will not part with the title or ownership of the vehicle in question.

The writ petition, with above direction, stands disposed of.

(Rakesh Kumar, J.)

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