

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12085 of 2013

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Jhagru Yadav Son of Late Etwari Yadav Resident of Village - Matihan,
P.S. - Sono, District - Jamui

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Forest and Environment Department Govt. of Bihar, Patna
3. The Collector, Jamui
4. The Divisional Forest Officer cum Confiscation Officer, Jamui
5. The Forest Parisar Officer, Batiya, District - Jamui
6. The Forest Range Officer, Jhajha, Jamui
7. The District Transport Officer, Jamui

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : AC to Addl. Advocate General - 10

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 06-08-2015 Heard learned counsel for the petitioner and learned A.C. to Addl. Advocate General – 10, who has appeared on behalf of respondents.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of confiscation order as well as auction order dated 21-03-2013 passed in Case no. 335-C of 2006.

Learned counsel for the petitioner submits that his tractor and trailer, vide registration no. BR-46/5590 and BR-46/5591, Chesis No. B30150201 and Engine No. E3015517 was earlier seized on an allegation of commission of offence under the Indian Forest Act. Subsequently, confiscation proceeding was

initiated and without any notice to the petitioner, confiscation proceeding concluded and thereafter, the vehicle has already been auctioned. This fact has been admitted by the petitioner that after the confiscation order, auction has already taken place. Only plea has been taken that without any notice to the petitioner, all the actions were taken. A prayer is being made for directing the respondents to produce the order of confiscation.

Keeping in view the fact that the seizure was effected in the year 2006 itself and thereafter, confiscation order has already been passed, against which, there is statutory provision of appeal under the provisions of the Indian Forest Act, this Court is not inclined to pass any positive order in favour of the petitioner. However, in view of submission made by learned counsel for the petitioner that order of confiscation was not provided to the petitioner, while dismissing the writ petition, it is desirable to observe that respondent authority may communicate the order of confiscation and auction order to the registered owner of the vehicle preferably within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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