

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13896 of 2015

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Rajan Ram, son of Late Harangi Ram, resident of village- Kaila Tola,
Barharwa, Police Station- Chiutaha, District- West Champaran
..... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, Home Department, Govt. of Bihar, Patna
4. The Principal Secretary, Forest Department, Govt. of Bihar, Patna
5. The Collector, West Champaran, Bettiah
6. the Divisional Forest Officer-cum- Deputy Director, Balmiki Tiger Project, Balmiki Nagar, West Champaran
7. The Circle Officer, Bagaha-2, West Champaran

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra
For the Respondent/s : Mr. AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-09-2015 Heard Sri Ashok Kumar Mishra, learned counsel, who

was assisted by Sri Milind Kumar Mishra, learned counsel for the

petitioner and learned AC to GP-4.

The petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to pay compensation of Rs.10,000,00/- (Ten Lacs) for illegal seizure of his Mahindra Tractor and Tractor. It has been pleaded by learned counsel for the petitioner that his tractor was illegally seized by the forest official and similarly in illegal manner, a confiscation proceeding was initiated, which ended against the petitioner. However, against the order of the

confiscation, the petitioner preferred an appeal before the Appellate Court i.e. the Collector, Bettiah (West Champaran). According to learned counsel for the petitioner, the Collector, Bettiah (West Champaran) has set aside the order of the confiscation. He has referred to Annexure-6 to the writ petition i.e. order dated 01.04.2013 passed in Case no.CRM-05/12-13.

On perusal of the impugned order, it is evident that the order of the confiscation was not set aside but the learned appellate court considered that confiscation was excessive and, thereafter, the petitioner was directed for compounding.

Learned counsel for the petitioner accepts that after the order of compounding, demand notice was issued and pursuant to that the petitioner deposited Rs.50,000/- . Thereafter, seized vehicle and articles were released. Meaning thereby that the appellate court has not set aside the confiscation order.

Accordingly, since the confiscation order was affirmed, of course, with some alteration, the writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

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