

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7044 of 2015

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Mangal Singh, son of Late Babu Lal Singh, resident of village - Dhangai,
P.S. Bikramganj, District - Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Divisional Forest Officer, Sasaram.
4. The Collector, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Priyank Deepak

For the Respondent/s : Mr. Anil Kr Uapdhyay, SC-20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-07-2015

Learned counsel for the parties are present.

The limited relief prayed by the petitioner in this writ petition is for a direction to the appellate authority under the Indian Forest Act, 1927, who in the present matter would be the District Magistrate, Rohtas at Sasaram, for expeditious disposal of the appeal filed on behalf of the petitioner. While praying as such the petitioner has also prayed for provisional release of his vehicle pending adjudication of his appeal.

In this writ petition, the confiscation proceedings have been decided against the petitioner and the appeal is pending.

The grievance of the petitioner is that the appeal is



pending before the appellate authority and there being no sign of its expeditious disposal, the vehicle which is subject matter of the appellate proceedings would be rendered obsolete since it is kept under open sky and thus subjected to the vagaries of weather as well as wear and tear.

The petitioner in this case has preferred Forest (Confiscation) Appeal No.17 of 2014 being aggrieved by the order of the confiscation passed by the Divisional Forest Officer -cum- Authorized Officer, Rohtas at Sasaram in Confiscation Case No. 44 of 2011 arising from Forest Case No.61F of 2011.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioner, this writ petition is disposed of with the direction to the District Magistrate, Rohtas at Sasaram -cum- Appellate Authority under the Indian Forest Act, 1927 to consider and dispose of the appeal of the petitioner in accordance with law and after giving opportunity of hearing to the contesting parties, expeditiously and preferably within three months from the date of receipt/production of a copy of this order. In case for any reason the appeal is not disposed of within the period stipulated hereinabove, the appellate authority would consider the prayer of the petitioner for provisional release of his vehicle in question

and dispose of the same within one month thereafter in accordance with law.

With the observations/directions aforementioned, this writ petition is accordingly disposed of.

(Jyoti Saran, J)

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