

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.883 of 2015
In
Civil Writ Jurisdiction Case No. 21735 of 2014

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1. Binod Prasad, son of Mukhlal Sah, resident of village- Nauhatta, Police Station- Nauhatta, District-Rohtas at Sasaram.
 2. Bhagat Mal Prasad Gupta, son of Ram Keshwar Gupta, resident of village- Nauhatta, Police Station- Nauhatta, District-Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Conservator of Forest, Bihar, Patna
3. Sri Vivek Kumar Singh, the Principal Secretary, Forest Department, Government of Bihar, Patna
4. Sri Sandeep Kumar, the District Magistrate, Rohtas at Sasaram
5. Dr. Kumar Swamy, the Divisional Forest Officer, Rohtas at Sasaram.
6. Dr. Kumar Swamy, the District Forest Officer, Rohtas at Sasaram
7. Sri Lalan Mochi, the Ranger Officer, Sasaram Forest Area, Rohtas at Sasaram
8. Sri Lalan Mochi, the Ranger, Fasilpur Forest Area, Sasaram East Range, Rohtas at Sasaram

.... Contemnors/ Opposite Parties

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Appearance:

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate

For the Respondent/s : Mr. Sadanand Paswan, G.P.-29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 19-08-2015 This contempt application has been filed for non-compliance of the order dated 22.12.2014 passed by this Court in CWJC No. 21735 of 2014 whereby considering the prayer made by the petitioner for interim release of the vehicle, that this writ petition along with a batch of writ petitions were disposed of with a direction to the Divisional Forest Officer to release the vehicle within four weeks of receipt / production of a copy of the order subject to fulfillment of certain conditions. The order was passed on 22.12.2014.

It is complaining of non-compliance that this application

has been filed and when the opposite parties were directed to file their show cause which has since been filed enclosing an order dated 28.11.2014 passed by the Divisional Forest Officer whereunder the confiscation case initiated against the petitioner bearing Confiscation Case No. 80 of 2014 has been disposed of meaning thereby even before the order was passed by this Court, that the confiscation of the vehicle had already taken place.

Although Mr. Bipin Kumar Singh, learned counsel for the petitioner questions the disposal by relying upon information received under the Right to Information Act but in my opinion since the confiscation case itself stands disposed of, this Court without going into intricacies of the matter, would afford liberty to the petitioner to question the order of confiscation by filing a statutory appeal under the Indian Forest Act, 1927 before the prescribed authority but in the circumstances discussed, there is no necessity to keep the contempt application pending which is accordingly disposed of.

The appearance of the Divisional Forest Officer, namely, S. Kumar Swamy who is present in Court, is dispensed with.

(Jyoti Saran, J)

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