

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.467 of 2015

In

Civil Writ Jurisdiction Case No. 21526 of 2014

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1. Sanjay Kumar Singh son of Sri Raghaw Singh Resident of Mohalla - Maula bag Ara , P.O. and P.S. - Nawada , District- Bhojpur. At present resident of Village - Babsa , P.O. - Karwabdia , P.S. - Sasaram (M) , District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through Mr. Vivek Kumar Singh, the Principal Secretary, Forest Department , Government of Bihar, Patna.
2. Mr. Sandeep Kumar , R. Pudul Katti, the District Magistrate , Rohtas at Sasaram.
3. Mr. Amit Kumar Singh, the Divisional Forest Officer - Cum- Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Sanjeev Kumar Mishra, A.C. to S.C. 17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 07-10-2015 The petitioner came before this Court complaining of non-compliance of the order dated 22.12.2014 passed in C.W.J.C.No.21526 of 2014 by the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram under the Indian Forest Act, 1927, whereby the said officer was directed to order for release of the vehicle of the petitioner in question subject to the conditions stipulated in the order, a copy of which is placed at Annexure-1 to the contempt application. A show cause was filed on behalf of the authorized officer enclosing

an order passed on 23.12.2014 whereby the confiscation case so drawn against the petitioner which led to the confiscation of the vehicle of the petitioner bearing Registration No. UP 65R-8362 has been disposed of.

Mr. Sanjeev Kumar Mishra learned A.C. to S.C. 17 with reference to the order passed by the Authorized Officer submitted that the order of this Court has been complied and thus no cause remains for continuation of the proceedings.

This matter was last considered on 30.9.2015 when Mr. Rajni Kant Singh learned counsel for the petitioner submitted that the order dated 23.12.2014 was appealed by the petitioner before the Collector, Rohtas in Forest Confiscation Appeal No. 14 of 2015 and vide order passed on 10.9.2015 the order of the Divisional Forest Officer-cum-Forest Officer in Forest Confiscation Case No. 97 of 2014 has been set aside and the matter has been remitted back to the Authorized Officer for its disposal afresh. It was thus submitted that since the matter is now pending before the Divisional Forest Officer for consideration of the confiscation case afresh hence the prayer for release again falls for consideration in the light of the order of this Court in the writ proceedings. The order of remand has been placed on record by way of supplementary affidavit. Mr. Rajni Kant Singh submits that

since the matter is now to be considered afresh hence the Divisional Forest Officer would be under an obligation to consider the prayer of the petitioner for release of his vehicle in the light of the order passed by this Court in the writ petition which is subject matter of the present proceedings.

Although learned counsel for the State attempts to oppose such prayer but in my opinion the submission of Mr. Singh does bear substance for in view of the appellate order, the confiscation order passed by the Authorized Officer-cum-Divisional Forest Officer stands wiped out from the proceeding. The matter having been remitted back to the Divisional Forest Officer-cum-Authorized Officer for its consideration and disposal afresh, the prayer of the petitioner for provisional release of the vehicle does become relevant for consideration in the light of the order of this Court in C.W.J.C.No.21526 of 2014.

The contempt application is thus disposed of with the direction to the Divisional Forest Officer-cum-Authorised Officer to consider the prayer of the petitioner for provisional release of his vehicle in the light of the order passed in the writ petition.

The contempt application is disposed of.

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(Jyoti Saran, J)