

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1368 of 2015

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Jay Prakash Sharma, son of Laljeet Sharma, resident of Mohalla- Talibandh
Raipur, P.S. –District-Raipur(Chhatish Garh)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Government of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram.
3. The Authorized Officer-cum-Divisional Forest Officer, Rohtas, Forest Division Sasaram, District-Rohtas
4. The Range Officer, Sasaram Forest Range, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Angad Kunwar, Adv.

For the Respondent/s : Mr. Subhash Pd. Singh, G.A.7.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 26-06-2015 Learned counsel for the parties are present.

The limited relief prayed by the petitioner in the 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 appeal. In this writ petition, the confiscation proceeding has 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. 32 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. 106 of 2013 (arising from Forest Case No. 60 of 2013).

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 the 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 in accordance with law.

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

Bibhash/-

(Jyoti Saran, J)

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