

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13742 of 2016

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1. Nawal Yadav son of Jagdish Yadav, Resident of Village- Dumari, P.S.- Tilaiya, District- Kodarma (Jharkhand).

.... 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, Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 14065 of 2016

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1. Md. Imtihan Son of Md. Wahab Miyan, Resident of Village- Puto, Police Station- Chandwara, District- Koderma (Jharkhand).

.... 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 Divisional Forest Officer-cum- Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondent/s

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Appearance :

(In CWJC No. 13742 of 2016)

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

For the Respondent/s : Mr. Dhurjati kr. Prasad- GP14

(In CWJC No. 14065 of 2016)

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

For the Respondent/s : Mr. Raghwanand-GA11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-11-2016

Learned counsel for the parties are present.

The limited relief prayed by the petitioners in these writ petitions 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 petitioners. While praying as such the petitioners have also prayed for provisional release of their vehicles pending adjudication of their appeals.

In these writ petitions, the confiscation proceedings have been decided against the petitioners and the appeals are pending.

The grievance of the petitioners are that while there is no sign of expeditious disposal of their appeals, the vehicle which is subject matter of the appellate proceedings would be rendered obsolete since the same is kept under open sky and thus subjected to the vagaries of weather as well as wear and tear.

The petitioner(s) in these cases have preferred Forest Confiscation Appeal No.20 of 2016 in C.W.J.C. No. 13742 of 2016 and Forest Confiscation Appeal No. 21 of 2016 in C.W.J.C. No. 14065 of 2016 being aggrieved by the order of the confiscation passed by the Divisional Forest Officer -cum- Authorized Officer, Rohtas at Sasaram in Confiscation Case No. 148 of 2015(I) arising from Forest Case No.69 of 2015 and Confiscation Case No. 148 of 2015 (J) arising from Forest Case No.69 F of 2015 respectively.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioners, 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 appeals of the petitioners 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 appeals are not disposed of within the period stipulated hereinabove, the Appellate Authority would consider the prayer of the petitioners for provisional release of their vehicles 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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