

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7511 of 2015

Tej Narayan Singh, Son of Bhuneshwar Singh, Resident of village - Rudrapura, P.S. Dehri, District – Rohtas.

.... 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- Authorised Officer, Rohtas Forest Division, Sasaram, District – Rohtas.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 7819 of 2015

Rajdeo Singh, Son of Mahangu Singh, Resident of village - Rudrapura, P.S.- Dehri, District - Rohtas.

.... 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- Authorised Officer, Rohtas Forest Division, Sasaram, District - Rohtas.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 8816 of 2015

Wakil Singh, son of Sita Ram Singh, Baily Road, Officers Flat, Patna. At present Resident of Village- Tendua Dusadhi, P.S.- Dehri, District- Rohtas.

.... 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- Authorised Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 8861 of 2015

Rajendra Singh, son of Dharmdeo Singh, Resident of House No. 85/40 Officer's flat Bailey Road Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest officer -cum- Authorised Officer Rohtas, Forest Division Rohtas at Sasaram.
3. The Forester, Tilauthu, Rohtas.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 9043 of 2015

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Binda Devi, Wife of Dhanjee Yadav, Resident of Village + Post Office - Mungaon, Police Station - Koran Sarai, District - Buxar.

.... 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

With

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Civil Writ Jurisdiction Case No. 9045 of 2015

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Laxmi Devi, daughter of Suresh Choudhary, Resident of Village - Chougain, Police Station - Murar, District - Buxar.

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

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 9053 of 2015

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Raju Kumar, son of Awadhesh Choudhary, Resident of Village + Post Office - Bhadwar, Police Station - Bagen, District - Buxar.

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

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 9059 of 2015

Lali Singh, Son of Late Ram Dayal Singh, Resident of Village - Mungaon, Police Station - Koran Sarai, District - Buxar.

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

.... Respondent/s

Appearance :

(In CWJC No.7511 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Abbas Haider, SC16
Mr. Syed Hussain Majeed, AC to SC-16

(In CWJC No.7819 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Nagendra Prasad Yadav, SC-23

(In CWJC No.8816 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3
Mr. Arjun Prasad, AC to SC-3

(In CWJC No.8861 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. Ravi Bhardwaj, AC to GA-13

(In CWJC No.9043 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. N.K. Singh, GP26

(In CWJC No.9045 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sumeet Singh, AC to AAG-10

(In CWJC No.9053 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Arvind Kr. Singh, AC to GP-26

(In CWJC No.9059 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-08-2016

Learned counsel for the parties are present. Since in each

of these cases the relief prayed by the petitioners is identical hence they have been taken up together for analogous hearing and disposal with the consent of the parties.

The petitioners in each of the writ petitions seek a direction to the Divisional Forest Officer, Rohtas Forest Division, Rohtas-cum-Authorized Officer under the Forest Act, 1927, for provisional release of their respective vehicle pending adjudication of the confiscation proceedings. In each of these cases the vehicle of these petitioners stands seized on grounds of alleged violation of the provisions of the Forest Act and which has led to institution of the Forest Case which is now pending consideration in respective confiscation proceedings before the Authorised Officer who happens to be the Divisional Forest Officer, Rohtas Forest Division, Rohtas.

Although learned counsel for the petitioners tried to question the alleged seizure on merits but considering that the matter is pending consideration in the respective confiscation proceedings, this Court would refrain from expressing any opinion thereon.

The contention advanced by the learned counsel for the respective petitioners in support of their prayer for provisional release of the vehicles is that keeping the vehicles under the open sky to face the vagaries of the weather would serve no purpose and would only turn them obsolete rendering them useless for any future

use and which would benefit none rather it would only result in loss.

Learned counsel for the respective petitioners have stated that the petitioners would not be creating any third party right nor they would alienate the vehicle pending disposal of the respective confiscation case and that they would produce the vehicle as and when required in the confiscation proceedings. It is also the contention of learned counsel that petitions have also been filed before the statutory authority but has remained pending in most of the cases and thus these writ petitions. The individual details of the petitioner in each of the writ petitions are given hereinbelow:

(1) **C.W.J.C. No.7511 of 2015:**

In this case the vehicles of the petitioner bearing Registration No.BR-24F-3042 and BR-24F-3043 were seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 36 of 2015 which has led to registration of Confiscation Case No.77 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(2) **C.W.J.C. No.7819 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-24B-5045 was seized on allegation of transporting forest produce without any supportive papers giving

rise to Forest Case No. 36 of 2015 which has led to registration of Confiscation Case No.77 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(3) **C.W.J.C. No.8816 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-01-GD-1181 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 45 of 2015 which has led to registration of Confiscation Case No.97 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(4) **C.W.J.C. No.8861 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-01GB-5028 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest No.32 of 2015 which has led to registration of Confiscation Case No.72 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(5) **C.W.J.C. No.9043 of 2015:**

In this case the vehicle of the petitioner bearing



Registration No.UP-60L-1929 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.47 of 2015 which has led to registration of Confiscation Case No.100 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(6) **C.W.J.C. No.9045 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.JH-01AM-8759 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.49 of 2015 which has led to registration of Confiscation Case No.102 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(7) **C.W.J.C. No.9053 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.UP-65-BT-2866 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.47 of 2015 which has led to registration of Confiscation Case No.100 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(8) **C.W.J.C. No.9059 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-01GB-5333 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.49 of 2015 which has led to registration of Confiscation Case No.102 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

I have heard learned counsel for the parties and I have perused the materials on record.

As I have taken note of hereinabove, the vehicles of these petitioners stand seized on allegation of being loaded with illegally mined stone chips. Though learned counsel for the respective petitioners have tried to defend the load carried on each of the vehicles but considering that the matter is pending adjudication before the statutory authority, this Court would express no opinion thereon. However, taking note of the circumstances that these vehicles are lying unattended under the open sky to face the vagaries of weather, this Court is of the opinion that allowing these vehicles to turn obsolete would benefit none rather it would only lead to losses and thus this Court would deem it fit and proper to order for the provisional release of the vehicles subject to furnishing of

supporting papers of ownership and security as deem fit and proper by the Authorised Officer and which release obviously would be subject to final outcome of the confiscation proceedings.

In the circumstances discussed, this Court would direct the Divisional Forest Officer, Rohtas Forest Division, Rohtas –cum- Authorised Officer under the Forest Act, 1927 in seisin of the respective confiscation cases which are subject matter of the present proceedings to release the respective vehicles in favour of the petitioners within four weeks of the receipt/production of a copy of the order subject to the fulfillment of the following conditions:

- (a) The petitioner shall produce original papers supporting the ownership of the vehicle in question including the registration papers, the insurance paper, the tax token and the pollution certificate.
- (b) The petitioner shall file an undertaking in the form of an affidavit that he shall not alienate the vehicle or transfer the vehicle in favour of any third party during the pendency of the confiscation proceedings and shall produce the vehicle as and when required in the confiscation proceedings.
- (c) The petitioner shall furnish such security as deem fit and proper by the Divisional Forest Officer –cum-

Authorised Officer, Rohtas at Sasaram which shall
neither be in the form of cash nor bank guarantee.

(d) The release of the vehicle shall be governed by the
final outcome of the confiscation proceedings.

With the observation and directions aforementioned, these
writ petitions are disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14-08-2016
Transmission Date	NA