

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.736 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 13300 of 2014

Along with

Interlocutory Application No.3081 of 2015

- =====
1. Janeshwar Sah, son of Late Gariban Sah, resident of Village - Akbarpur, P.O. + P.S. + District - Rohtas.
 2. Shravan Sah, son of Late Nathuni Sah, resident of Village - Uchaila, Tola - Path Khachulia, Akbarpur, P.O. + P.S. + District – Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Forest Department, Government of Bihar, Patna.
3. The District Forest Officer, Rohtas, Forest Division, Sasaram.
4. The Range Officer of Forest, Rohtas Forest Range, Rohtas.
5. The Station House Officer, Indrapuri Police Station, Indrapuri, Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-07-2016

Re.: Interlocutory Application No.3081 of 2015

The application is for condonation of delay of 3 days in filing

of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.736 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 9th of January, 2015 whereby the learned Single Bench has given liberty to the appellants to file an appeal under Section 52-A of the Bihar Forest Produce (Regulation of Trade) Act, 1984.

2. The contention of the appellants was that the goods seized from the vehicle were not a forest produce, whereas the stand of the Forest Department was that the goods seized are forest produce.

3. Learned Single Bench has found that whether the confiscated goods are forest produce or not is an issue of fact and law which is required to be appropriately decided in an appeal which lies before the District Magistrate. After giving such finding, liberty was given to the appellants to avail remedy of appeal within six weeks from the date of the order.

4. The dispute is whether the goods seized are forest produce or not. Such questions of fact can be appropriately decided in an appeal.

We do not find any error in the order passed by the learned Single Judge as such question of fact can be decided by an appellate authority under the Act in accordance with law.

5. In view thereof, the Letters Patent Appeal is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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