

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9876 of 2015

Jag Narayan Singh, S/o- Shiv Nandan Singh, R/o Village- Sita Bigha, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No.11995 of 2015

Vinod Yadav son of Dilip Yadav, Resident of village- Banjariya, P.S.- 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 Officer-cum-Authorised Officer, Rohtas Forest Division, Sasaram, District- Rohtas

.... Respondent/s

with

Civil Writ Jurisdiction Case No.12023 of 2015

Chandan Patel Alias Chandar Patel, son of Uma Shankar Singh, Resident of Village- Chitonv, P.S.- Kochas, District- Rohtas.

.... Petitioner/s

Versus

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

.... Respondent/s

with

Civil Writ Jurisdiction Case No.12506 of 2015

Ajay Kumar Singh son of Suryabansh Singh Resident of Village- Dhandarh, P.S.- Sasaram (M), District- Rohtas. At present C/o Sheo Shankar Singh,

Daldali Road, Bakarganj, Patna.

.... .. 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.13184 of 2015

Chandrama Sah, S/o- Umashankar Sah, R/o Village-Amratalab, P.S.- Sasaram (M), District- Rohtas.

.... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Ara at Sasaram.
7. The Forestor Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... .. Respondent/s

with

Civil Writ Jurisdiction Case No.13631 of 2015

Jitendra Kumar Singh Son of Sadama Singh, Resident of Village-Hematpur, Police Station-Ara (Mufassil), District- Bhojpur at Ara Presently residing at Mahajan Toli No. 1, P.S. - Arrah (Town), District- Bhojpur at Ara.

.... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department, Government of Bihar, Patna.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Divisional Forest Officer, Rohtas at Sasaram.

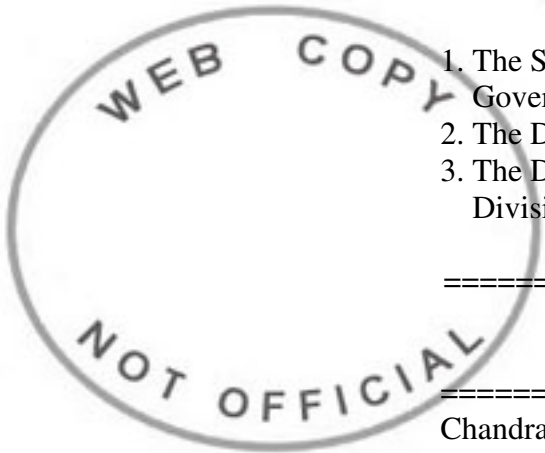
.... .. Respondent/s

with

Civil Writ Jurisdiction Case No.14280 of 2015

Sunil Kumar son of Late Rama Shankar Singh, Resident of village- Mokar, P.S.- Agrer, 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

Appearance:

(In CWJC No.9876 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Mr. Mujtabaul Haque, GP-12
Mr. Susbhint Praveer, AC to GP-12

(In CWJC No.11995 of 2015)

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

For the Respondent/s : Mr. S.A. Alam,

(In CWJC No.12023 of 2015)

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

For the Respondent/s : Mr. Md. Raisul Haque, SC-10

(In CWJC No.12506 of 2015)

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

For the Respondent/s : Mr. Abbas Haider, SC-16

(In CWJC No.13184 of 2015)

For the Petitioner/s : Mr. Uma Shankar Singh, Advocate

For the Respondent/s : Ms. Kumari Amrita

(In CWJC No.13631 of 2015)

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate

For the Respondent/s : Mr. Ramesh Kumar Singh, GP-15

(In CWJC No.14280 of 2015)

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

For the Respondent/s : Mr. P.N. Shahi, AAG-10

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 19-08-2016

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. 9876 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. JH01N-0336 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 53 of 2015 which has led to registration of Confiscation Case No.108 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(2) **C.W.J.C. No.11995 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. UP60L/0322 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 67 of 2015 which has led to registration of Confiscation Case No. 137 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorised Officer, Rohtas

Forest Division, Rohtas at Sasaram.

(3) **C.W.J.C. No. 12023 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. JH02L5114 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 67 of 2015 which has led to registration of Confiscation Case No.137 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(4) **C.W.J.C. No. 12506 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. UP65R/5756 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 69 of 2015 which has led to registration of Confiscation Case No.142 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(5) **C.W.J.C. No. 13184 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. JH05T/0345 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 62 of 2015 which has led to registration of

Confiscation Case No.136 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(6) **C.W.J.C. No. 13631 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. BR3G/3675 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 64 of 2015 which has led to registration of Confiscation Case No.133 of 2015 pending adjudication before the Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(7) **C.W.J.C. No. 14280 of 2015:**

In this case the vehicle of the petitioner bearing Registration No. JH02L/6746 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 72 of 2015 which has led to registration of Confiscation Case No.152 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 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:

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- (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)

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