

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 569 of 2016

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Ram Bilash Yadav, Son of Deoki Nandan Prasad, Resident of Village-
Padeya, Police Station- Barachatti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Forest and Environment, Government of Bihar, Patna.
2. The District Magistrate , Gaya.
3. The Divisional Forest Officer, Gaya, Forest Division, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun
For the Respondent/s : Mr. Gautam Bose, Sr. Advocate, AAG-8
Ms. Shally Kumari
Mr. Pramod Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

3 25-05-2016 Heard learned counsels for the parties.

An appeal filed way back on 05.09.2014 against confiscation of the tractor has remained pending before the appellate authority long enough. Whether it is a reflection on the system or the appellate authority, who hasn't had time to decide the appeal, is not important. What is of significance is it has a vital fall out on the right of a citizen.

The Court, therefore, is convinced that no justice will be given to the petitioner by allowing the appellate authority to take his own sweet time to decide the matter and permit the seized tractor, which is Mahindra Make 265, having registration no. BR-02-Q-5516 and trolley no. BR-02-Q-5666 to perish and nothing will be recoverable taking the ground reality into

consideration as to the upkeep of such seized vehicles.

The Court, therefore, directs for release of the said tractor forthwith within a period of two weeks on the petitioner depositing either a sum of Rs. 1,00,000/- (one lac) only or bank guarantee with regard to the same before the competent authority. No sooner the above surety is furnished, the tractor in question will be released.

Writ application stands disposed off, accordingly.

(Ajay Kumar Tripathi, J)

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