

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14501 of 2015

Sanjay Kumar Gupta, Son of late Rajeshwar Prasad, Resident of village- Basdeva, P.S.- Nawanagar, 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. 14623 of 2015

Dharmendra Kumar, Son of Surendra Singh, Resident of village - Mozaffarpur, Police Station- Sahar, District - Bhojpur (Ara).

.... 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

Civil Writ Jurisdiction Case No. 14690 of 2015

Ramlal Singh, son of Sidhnath Singh, Resident of Village- Rupsagar, P.S.- Nawanagar, 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. 14820 of 2015

Akhilesh Kumar Singh, son of Ram Raj Singh, resident of village- Kochas, 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 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. 16699 of 2015

=====

Sanjay Kumar Gupta, son of Ramjee Sah, Resident of 131K Gram Simrol, TEH
 MHOW, Indaur, M.P. at present Resident of Mohalla- Ysuf Chak, Takiya, P.O. and
 P.S.- Sasaram, 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- Authorized Officer, Rohtas Forest
 Division, Sasaram, District- Rohtas.

.... Respondent/s

With

=====

Civil Writ Jurisdiction Case No. 17149 of 2015

=====

Pintu Ram, Son of Ram Raj Ram, Resident of Village- Kanchanpur, P.S.- Sasaram
 (M), 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- Authorized Officer, Rohtas Forest
 Division, Sasaram, District- Rohtas.

.... Respondent/s

With

=====

Civil Writ Jurisdiction Case No. 17430 of 2015

=====

Priyanka Devi, W/o Satendra Prasad, resident of Village - Bharkuria, Uttari Bhag
 Dehri, District – Rohtas.

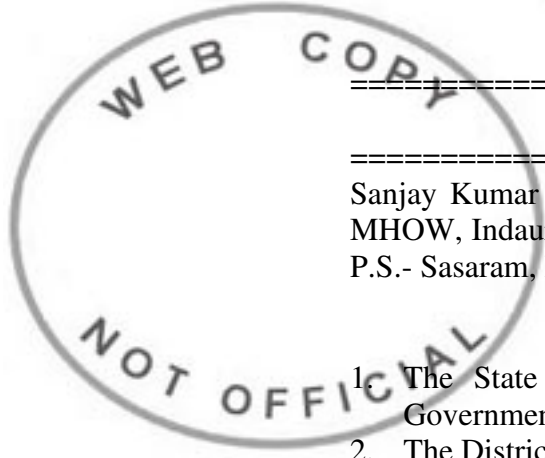
.... Petitioner/s

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



Civil Writ Jurisdiction Case No. 17803 of 2015

=====

Birendra Kumar Singh, S/o Ram Keshwar Singh, R/o Village- Jabra, Beliganava,
P.S.- Nokha, 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 Area at Sasaram.
7. The Forester, Tilauthu cum Darigaon Forest Circle, District- Rohtas.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 18098 of 2015

=====

Dadan Singh, Son of Sarju Singh, Resident of Village- Tati Bandh Raipur, P.S.-
Pali Road, District- Bilaspur (Chhatisgarh).

.... 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.14501 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Nirbhay K.Singh, GP-6

(In CWJC No.14623 of 2015)

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

(In CWJC No.14690 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Anil Kumar Singh, GP-26
Mr. Ranjit Kumar, AC to GP-26

(In CWJC No.14820 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

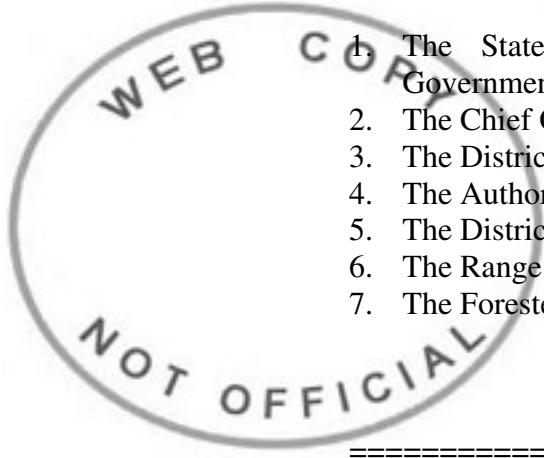
(In CWJC No.16699 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. N.K. Singh, GP-26

(In CWJC No.17149 of 2015)

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Raj Nandan Prasad, SC-9

(In CWJC No.17430 of 2015)



For the Petitioner/s : Mr. Sanjay Kumar Tiwary
 For the Respondent/s : Mr. Suman Kr. Jha, AC to AAG-3
 (In CWJC No.17803 of 2015)
 For the Petitioner/s : Mr. Uma Shankar Singh
 For the Respondent/s : Mr. Intekhab Hassan, AC to AAG-13
 (In CWJC No.18098 of 2015)
 For the Petitioner/s : Mr. Rajani Kant Singh
 For the Respondent/s : Smt. Namrata Mishra, GA-13

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 20-08-2016

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.14501 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.JH-05AC/6116 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 01 of 2014 which has led to registration of

Confiscation Case No.08 of 2014 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(2) **C.W.J.C. No.14623 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-3G-9095 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.65 of 2015 which has led to registration of Confiscation Case No.138(D) of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(3) **C.W.J.C. No.14690 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.UP-65H/8172 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No. 01 of 2014 which has led to registration of Confiscation Case No.08 of 2014 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(4) **C.W.J.C. No.14820 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.UP-67/4476 was seized on allegation of transporting forest produce without any supportive papers giving

rise to Forest Case No.78 of 2015 which has led to registration of Confiscation Case No.159 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(5) **C.W.J.C. No.16699 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.MP-09HG/1601 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.76 of 2015 which has led to registration of Confiscation Case No.160 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(6) **C.W.J.C. No.17149 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-24GA/1624 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.83 of 2015 which has led to registration of Confiscation Case No.176 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(7) **C.W.J.C. No.17430 of 2015:**

In this case the vehicle of the petitioner bearing Registration No.BR-24G-9732 was seized on allegation of

transporting forest produce without any supportive papers giving rise to Forest Case No.52 of 2015 which has led to registration of Confiscation Case No.107 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(8) C.W.J.C. No.17803 of 2015:

In this case the vehicle of the petitioner bearing Registration No.JH-02Q/0829 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.86 of 2015 which has led to registration of Confiscation Case No.181 of 2015 pending adjudication before the Divisional Forest Officer –cum- Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.

(9) C.W.J.C. No.18098 of 2015:

In this case the vehicle of the petitioner bearing Registration No.CG-10C/1464 was seized on allegation of transporting forest produce without any supportive papers giving rise to Forest Case No.45F of 2013 which has led to registration of Confiscation Case No.92 of 2013 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:

- (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	N.A.
Uploading Date	24-08-2016
Transmission Date	NA