

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1866 of 2015

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Subhash Singh, son of Sri Vishwanath Singh, resident of Village- Suara
P.S. -Dehri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through department of Forest Bihar at Patna.
2. The District Magistrate cum Appellate Authority, Rohtas at Sasaram.
3. District Forest Officer –cum- in Charge Officer (Forest) Rohtas at Sasaram.
4. District Forest Conservator, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Respondent/s : Mr. Arvind Kumar-1, SC-13
For the State : Mr. Mahtab Alam, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 12-08-2016 Heard Mr. Diwakar Prasad Singh, learned counsel

appearing for the petitioner and Mr. Mahtab Alam, A.C. to S.C.-

20 for the State.

The writ petition was filed in the year 2015 seeking appropriate direction to the Authorized Officer –cum- District Forest Officer, Rohtas for provisional release of truck of the petitioner bearing registration no. BR 14 G 0331 which was seized in connection with Confiscation Case No.54 of 2012(A) arising from Forest Case No.62 of 2012. The statement made in paragraph-7 of the writ petition confirms the disposal of the confiscation case vide order passed on 19.10.2013 whereby the order of confiscation has been passed and being aggrieved the petitioner has preferred a statutory appeal giving rise to Confiscation Appeal Case No.88 of 2013 which is now pending before the District Magistrate –cum- Collector, Rohtas.

The grievance of the petitioner is that although the appeal was filed on 14.2.2014 but more than two and a half years have passed yet his appeal has not been disposed of and the vehicle lying under open sky, is bound to become obsolete and useless.

Having heard learned counsel for the parties and considering the stage at which the matter is pending in Confiscation Appeal No.88 of 2013, I deem it fit and proper to direct the District Magistrate –cum- Collector, Rohtas-Respondent No.2 as an appellate authority to consider and dispose of the appeal of the petitioner in accordance with law and after opportunity of hearing to the petitioner expeditiously and preferably within 3 months from the date of receipt/production of a copy of this order.

In case the District Magistrate –cum- Collector, Rohtas is not able to dispose of the appeal within the period stipulated above then he should consider and dispose of the prayer of the petitioner for provisional release of the vehicle in question.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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