

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19579 of 2015

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Shankar Prasad, son of Ram Briksh Sah, Resident of Village- Uchaila, P.O. and
P.S.- Rohtas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
4. The Forest Officer, Tilauthu, Rohtas.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Durgesh Nandan, AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-09-2016

Learned counsel for the parties are present.

The limited relief prayed by the petitioner in this writ petition is for a direction to the appellate authority under the Indian Forest Act, 1927, who in the present matter would be the District Magistrate, Rohtas at Sasaram for expeditious disposal of the appeal filed on behalf of the petitioner.

The confiscation proceeding has been decided against the petitioner and the appeal is pending. The grievance of the petitioner is that the appeal is pending before the appellate authority and there being no sign of its expeditious disposal, the vehicle which is subject matter of the appellate proceedings would be rendered obsolete since it is kept under open sky and thus is subjected to the vagaries of weather as well as wear and tear. The petitioner in this case has preferred Forest Appeal No. 38 of 2015 being aggrieved by the order

of the confiscation passed by the Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram in Confiscation Proceeding Case No. 37 of 2015.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioner, the writ petition is disposed of with the direction to the District Magistrate, Rohtas at Sasaram-cum-Appellate Authority under the Indian Forest Act, 1927 to consider and dispose of the appeal of the petitioner in accordance with law and after giving opportunity of hearing to the contesting parties, expeditiously and preferably within three months from the date of receipt/production of a copy of the order and in case for any reason the appeal is not disposed of within the period stipulated hereinabove, the appellate authority would consider the prayer of the petitioner for provisional release of his vehicle in question and dispose of the same within one month thereafter in accordance with law.

With the observations/directions aforementioned, this writ petition is accordingly disposed of.

(Jyoti Saran, J)

S.Sb/-

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Transmission Date	