

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.507 of 2017

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1. Dayanand Sharma S/o Keshwar Sharma R/o Village - Muslim Tola, Jay Nagar,
Badkagon, P.S. - Hazaribagh, District - Hazaribagh.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Forest and Environment Department, Govt.
of Bihar at Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer Cum Authorised Officer, Rohtas, Sasaram.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 782 of 2017

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1. Sunil Kumar Singh Son of Deo Narayan Singh Resident of Mohalla- Rajputana,
P.O. +P.S.-Dehri, 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 Superintendent of Police , Rohtas at Dehri-on-Sone.
4. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division,
Sasaram, District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 866 of 2017

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1. Aklu Sah, S/o Teju Sah, R/o Village- Beruar, P.O.- Derwan, P.S.- Kudra,
District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Forest and Environment Department Govt.
of Bihar at Patna.
2. The District Magistrate Rohtas at Sasaram.
3. The Divisional Forest Officer Cum Authorised Officer Rohtas, Sasaram.

.... Respondent/s

with



Civil Writ Jurisdiction Case No. 1616 of 2017

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1. 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 - Authorized Officer, Rohtas Forest
Division - Sasaram, District Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1049 of 2017

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1. Santosh Kumar, son of Jagan Singh, Resident of Village- Shankarpur, Bheria
Bigha, P.S.- Indrapuri, 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

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Civil Writ Jurisdiction Case No. 1491 of 2017

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1. Rakesh Choubey Son of Ram Jee Chaudhary Resident of Village- Pipari, Police
Station- Sasaram, 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 Forester, Tilauthu Rohtas.

.... Respondent/s

with



Civil Writ Jurisdiction Case No. 1530 of 2017

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Saroj Kumar Gupta son of Shankar Sah, resident of village Amratalab, P.S. Sasaram(M) district Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Department, of Forest and Environment, 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

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Civil Writ Jurisdiction Case No. 1676 of 2017

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1. Vijay Kumar Son of bajrangi Sah, Resident of Mohalla- Kaulo Dehri, 106, Patalpura, POlice Station-Sahar (Chauri), District-Bhojpur.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

(In CWJC No. 507 of 2017)

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

For the Respondent/s : Mr. Gajendra PD. Yadav- SC17

(In CWJC No. 782 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14

(In CWJC No. 866 of 2017)

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

For the Respondent/s : Mr. Raghwanand- GA11

(In CWJC No. 1616 of 2017)

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

For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14

(In CWJC No. 1049 of 2017)

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

For the Respondent/s : Mr. Gajendra PD.Yadav-SC17

(In CWJC No. 1491 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Gajendra PD.Yadav-SC17

(In CWJC No. 1530 of 2017)

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



For the Respondent/s : Mr. Sarvesh Kr Singh -AAG13
(In CWJC No. 1676 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha -GP21
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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 03-02-2017

Learned counsel for the parties are present.

The limited relief prayed by the petitioners in these writ petitions 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 petitioners. While praying as such the petitioners have also prayed for provisional release of their vehicles pending adjudication of their appeals.

In these writ petitions, the confiscation proceedings have been decided against the petitioners and the appeals are pending.

The grievance of the petitioners are that while there is no sign of expeditious disposal of their appeals, the vehicle which is subject matter of the appellate proceedings would be rendered obsolete since the same is kept under open sky and thus subjected to the vagaries of weather as well as wear and tear.

The petitioner(s) in these cases have preferred Forest Confiscation Appeal No.35 of 2015 in C.W.J.C. No. 507 of 2017, Forest Confiscation Appeal No. 75 of 2016 in C.W.J.C. No. 782 of 2017, Forest Confiscation Appeal No. 37 of 2016 in C.W.J.C. No. 866 of 2017, Forest Confiscation Appeal No. 52 of 2015 in C.W.J.C. No. 1049 of 2017,



Forest Confiscation Appeal No. 23 of 2016 in C.W.J.C. No. 1530 of 2017, Forest Confiscation Appeal No. 33 of 2016 in C.W.J.C. No. 1491 of 2017, Forest Confiscation Appeal No. 31 of 2016 in C.W.J.C. No. 1616 of 2017 and Forest Confiscation Appeal No. 70 of 2016 in C.W.J.C. No. 1676 of 2017 being aggrieved by the order of the confiscation passed by the Divisional Forest Officer -cum- Authorized Officer, Rohtas at Sasaram in Confiscation Case No. 82 of 2015 arising from Forest Case No.39 of 2015, Confiscation Case No. 116 of 2015 arising from Dehri P.S. Case No.261 of 2015, Confiscation Case No. 102 of 2015 arising from Forest Case No.49 of 2015, Confiscation Case No. 22 of 2014 arising from Forest Case No.12F of 2014, Confiscation Case No. 148(G) of 2015 arising from Forest Case No.69 of 2015, Confiscation Case No. 180 of 2015 arising from Forest Case No.86 of 2015, Confiscation Case No. 137 of 2015 arising from Forest Case No.67 of 2015(B) and Confiscation Case No. 48 of 2016(A) arising from Forest Case No.16 of 2016 respectively.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioners, this 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 appeals of the petitioners 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. In case for any reason the



appeals are not disposed of within the period stipulated hereinabove, the Appellate Authority would consider the prayer of the petitioners for provisional release of their vehicles in question and dispose of the same within one month thereafter in accordance with law.

With the observations/directions aforementioned, these writ petitions are accordingly disposed of.

(Jyoti Saran, J)

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