

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4347 of 2017

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Bir Bahadur Upadhyay, S/o Kanhaiya Upadhyay, Resident of Village- Sewahi,
P.S.- Tilauthu, District- Rohtas.

.... Petitioner

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.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4546 of 2017

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Ashok Singh, Son of Sheo Pravesh Singh, Resident of Co-operative Colony Chas,
Bokaro Steel City, District- Bokaro (Jharkhand).

.... Petitioner

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 Office-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4603 of 2017

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Vikash Kumar @ Vikash Kumar Singh S/o Kamlesh Singh Resident of Village -
Kanchanpur, P.S. - Sasaram, District - Rohtas.

.... Petitioner

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.
4. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4992 of 2017

=====

Nagendra Singh Son of Ram Bachan Singh Resident of Village- Kanchanpur,
Police Station- Sasaram(M), District- Rohtas.



.... Petitioner

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.
4. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 5031 of 2017

=====

Baliram Singh Son of Late Shiv Pujan Singh, Resident of Village- Gopi Bigha, Police Station- Dehri, District- Rohtas.

.... Petitioner

Versus

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

.... Respondents

with

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Civil Writ Jurisdiction Case No. 5103 of 2017

=====

Ram Kripal Singh son of Anirudh Singh resident of village - Kanchanpur, Police Station - Sasaram, District - Rohtas.

... Petitioner

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.
4. The Forester, Tilauthu, Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 5110 of 2017

=====

Parmatma Singh son of Late Shiv Pujan Singh resident of village - Gopi Bigha, Police Station - Dehri, District - Rohtas.

.... Petitioner

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.



4. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 5826 of 2017

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Santosh Kumar Gupta, Son of Late Tarkeshwar prasad, resident of village + P.O. + Police Sation Pawna, District - Bhojpur

.... Petitioner

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 Forest, Range, Rohtas

.... Respondents

with

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Civil Writ Jurisdiction Case No. 6968 of 2017

=====

Rajesh Kumar Singh, son of Jagdeo Singh, resident of Village- Gyani Bigaha, P.O. Gotapa, Police Station Agrer, District- Rohtas.

.... Petitioner

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.
- 4. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 8072 of 2017

=====

Lallan Singh, S/o Late Ram Lakhan Singh, Resident of Village- Amara, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner

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.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 9205 of 2017

=====

Sanjay Kumar Gupta son of Ram Jee Sah resident of 131 Gram Simrol, TEH MHOW, Indore, M.P. at present resident of Mohalla - Yusuf Takiya, P.O. and Police Station - Sasaram, District - Rohtas.

.... Petitioner

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-authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondent

with

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Civil Writ Jurisdiction Case No. 13419 of 2017

=====

Sanjay Kumar Gupta, Son of Late Rajeshwar Prasad, resident of Village- Basdewa, P.O. Basdewa, P.S. Navanagar, District- Buxar.

.... Petitioner

Versus

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

.... Respondents

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Appearance :

(In CWJC No.4347 of 2017)

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

For the Respondent/s : Mr. Dhurjati Kr.Pd.-GP14

(In CWJC No.4546 of 2017)

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

For the Respondent/s : Ms. Ratna Kumari, AC to PAAG-2

(In CWJC No.4603 of 2017)

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

For the Respondent/s : Mr. Anant Pd.Singh-SC15

(In CWJC No.4992 of 2017)

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

For the Respondent/s : Mr. Anant Pd.Singh-SC15

(In CWJC No.5031 of 2017)

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

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

(In CWJC No.5103 of 2017)

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

For the Respondent/s : Mr. Anant Pd.Singh-SC15

(In CWJC No.5110 of 2017)

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

For the Respondent/s : Mr. Rajan, AC to GA11

(In CWJC No.5826 of 2017)

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



For the Respondent/s : Mr. Awanish Nandan Sinha- GP21
(In CWJC No.6968 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Dr. Kamaldeo Sharma, AC to GA11
(In CWJC No.8072 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Sanjay Kumar Tiwari, AC to GA11
(In CWJC No.9205 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha- GP21
(In CWJC No.13419 of 2017)
For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Ravi Kumar, AC to AAG13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-12-2017

Heard learned counsel for the petitioners and the State.

The grievance of the petitioners is that the confiscation proceeding has been decided against the petitioners and the appeals are pending before the appellate authority, who in the present matters would be the District Magistrate, Rohtas at Sasaram under the Indian Forest Act, 1927. It is the grievance of the petitioners that while the disposal of the appeal is delayed, the vehicle stands confiscated and left to face vagaries of weather, would ultimately render it obsolete by a delayed disposal. It is in these circumstances that these petitioners have come before this Court praying for a direction to the appellate authority i.e. the District Magistrate, Rohtas at Sasaram to dispose of the respective appeal expeditiously and in case of unwanted delay consider their prayer for provisional release of their vehicles.

In my opinion, the prayer made by the petitioners in this batch of writ petitions is just and proper for in the statutory appeal of



the present nature where the goods seized are liable to decay and would become obsolete by passage of time, the appeal requires a expeditious disposal and in the circumstances so discussed, I hereby direct the District Magistrate, Rohtas at Sasaram, the appellate authority under the Indian Forest Act, to consider and dispose of the appeal of the petitioners herein in accordance with law and after opportunity of hearing to the petitioners expeditiously and preferably within three months from the date of receipt/ production of a copy of this order and in case for any reason not attributable to these petitioners the appeal is not disposed of within the period stipulated above, the appellate authority shall consider the prayer of the petitioners for provisional release of their respective vehicles which are subject matter of the proceeding and dispose of the same in accordance with law preferably within four weeks of expiry of the period stipulated above.

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

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.12.2017
Transmission Date	NA

