

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2632 of 2017

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Uday Narayan Singh, S/o Shiv Pujan Singh, Resident of Village- Mahabvir
Ashthan (Kuraich), 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 Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester Darigaon, Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2689 of 2017

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Kameshwar Sah @ Kameshwar Prasad Gupta, S/o Late Jitu Sah, Resident
of Village-Suara, P.S.-Dehri, District-rohtas.

.... Petitioner

Versus

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

.... Respondents

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with

Civil Writ Jurisdiction Case No.2760 of 2017

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Ashok Kumar Singh, Son of Raj Ballabh Singh, Resident of Mohalla- New
Area, Dehri, P.S.- Dehri, District- Rohtas. at present resident of Lalmatia
Road, Godda (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 Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2818 of 2017

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Ranjeet Kumar Singh, Son of Kamdeo Singh, Resident of Mohalla - Club
Road, Aurangabad, P.S. and District - Aurangabad

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

.... Respondents

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with

Civil Writ Jurisdiction Case No.2862 of 2017

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Chandan Kumar, Son of Ramashish Sao, Resident of Village- Amara Talab, P.S.- Sasaram (M), District- Rohtas.

.... 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

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with

Civil Writ Jurisdiction Case No.3481 of 2017

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Surendra Prasad Singh, S/o Late Dasai Singh, Resident of Village-Taikya Bazar, 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 Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Rohtas at Sasaram.
3. The Forester Sasaram, Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.15440 of 2017

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Pawan Kumar Yadav, Son of Ram Jatan Yadav, Resident of Village-Ahopur, Gangapur, P.S.- Jansa, District- Varanasi (U.P.)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Gaya Circle, Gaya.
3. The Divisional Forest Officer, Gaya Forest Division, Gaya.
4. The Forester, Bhalua (Barachatti), District- Gaya.

.... Respondents

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with

Civil Writ Jurisdiction Case No.15516 of 2017

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Shiv Kumar Singh son of Mangleshwar Singh resident of village - Rampur Niyamatabad Chandauli, P.S. Chandauli, District - Varanasi (U.P.)



.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Gaya Circle, Gaya.
3. The Divisional Forest Officer, Gaya Forest Division, Gaya.
4. The Forester, Bhalua (Barachatti), District - Gaya.

.... Respondents

with

Civil Writ Jurisdiction Case No.15653 of 2017

Rishi Chandra Yadav, Son of Shyam Sundar Yadav, Resident of Village-Bhadalpur Pratpur Majhwar Khas, Chandauli, P.S.- Maomwar, District-Chandauli (U.P.)

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Gaya Circle, Gaya.
3. The Divisional Forest Officer, Gaya Forest Division, Gaya.
4. The Forester, Bhalua (Barachatti), District- Gaya.

.... Respondents

Appearance :

(In CWJC No.2632 of 2017)

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

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

(In CWJC No.2689 of 2017)

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

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

(In CWJC No.2760 of 2017)

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

For the Respondent/s : Mr. Sarvesh Kr. Singh, AAG13

(In CWJC No.2818 of 2017)

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

For the Respondent/s : Mr. Awanish Nandan Sinha, GP21

(In CWJC No.2862 of 2017)

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

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

(In CWJC No.3481 of 2017)

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

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

(In CWJC No.15440 of 2017)

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Respondent/s : Mr. Raghwanand, GA11

(In CWJC No.15516 of 2017)

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the Respondent/s : Mr. Servesh Kr.Singh, AAG13

(In CWJC No.15653 of 2017)

For the Petitioner/s : Mr. Vinay Mistry, Adv.



For the Respondent/s : Mr. Awanish Nandan Sinha, GP21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 17-11-2017 Heard learned counsel for the parties.

In each of these cases confiscation cases have been instituted against the petitioners and have not been disposed of and are pending. The complaint of the petitioners is that delayed disposal of the confiscation case is acting adverse to the condition of the vehicle, which is rotting by the day lying under open sky.

Learned counsel for the petitioners have submitted that though the petitioners have filed application for provisional release before the Authorized Officer cum Divisional Forest Officer concerned but neither the confiscation case has been disposed of nor the petition for provisional release and hence, these writ petitions.

Having heard learned counsel for the parties and considering that the confiscation case remains pending before the Authorized Officer cum Divisional Forest Officer concerned together with the petition for provisional release, I deem it proper to dispose of all these writ petitions with a direction to the Authorized Officer cum Divisional Forest Officer concerned to consider and dispose of the confiscation case instituted against the respective petitioner in accordance with law within a period of



three months from the date of receipt/ production of a copy of this order and in case he is unable to dispose of the confiscation case for reasons not attributable to these petitioners, then he should consider the application filed by these petitioners for provisional release of their vehicle and dispose of the same in accordance with law on such terms and conditions and on furnishing of such security as deem fit and proper but which shall not be in form of cash or bank guarantee.

All these writ petitions are disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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