

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1171 of 2017

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1. Deepak Kumar @ Deepak Kumar Singh, Son of Lallan Singh, resident of Mohalla- Subash Nagar (East), Police Station- Dehri, District- Rohtas.

.... Petitioner/s

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, Tilauthu Range, Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1239 of 2017

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Amit Kumar, son of Ram Sakal Singh, Resident of village Gopi Bigha, P.S. Dehri, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer, Sasaram Forest Area at Sasaram.
7. The Forester Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1424 of 2017

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1. Pritam Kumar, Son of Late Ram Bachan Mahto, Resident of village - Mishripur, Police Station Sasaram (M), 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 - Authorized Officer, Rohtas Forest Division, Sasaram, District - Rohtas

.... Respondent/s

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Appearance :

(In CWJC No. 1171 of 2017)

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

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

(In CWJC No. 1239 of 2017)

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

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



(In CWJC No. 1424 of 2017)

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

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-02-2017

In C.W.J.C.No.1171 of 2017 and C.W.J.C.No.1424 of 2017 counter affidavits have been filed. Let it be kept on record.

Learned counsel for the petitioners and the learned counsel for the State are present and have been heard in these cases.

In each of these cases the vehicles of the petitioners have been seized on alleged charge of transportation of illegally mined forest produce. Following the seizure, confiscation case has been registered against the petitioner(s) under the provisions of the Indian Forest Act 1927 and is stated to be pending before the Authorized Officer-cum-Divisional Forest Office, Rohtas at Sasaram.

The grievance of the petitioners in these writ petitions is, that while the confiscation proceeding drawn against them has remained pending with the Authorized Officer- cum- Divisional Forest Officer, the vehicles so seized in the proceeding are facing vagaries of the weather and is liable to turn obsolete. The prayer of the petitioners in these writ petitions is for appropriate direction to the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram to consider the prayer of the petitioners for provisional release of their seized vehicles pending disposal of the confiscation proceeding.



Having heard the learned counsel for the parties and considering the nature of relief prayed in the present writ petitions, I deem it fit and proper to dispose of these writ petitions with a direction to the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram to consider the grievance of the petitioners herein and take appropriate steps to finally dispose of the confiscation proceeding drawn against them in accordance with law and after opportunity of hearing to the petitioners, expeditiously and preferably within a period of three months from the date of receipt/ production of a copy of this order. In case the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram is not able to dispose of the confiscation proceeding within the period stipulated, for reasons not attributable to the petitioners, then he shall consider their individual application for provisional release of their vehicles in question, which is subject matter of the confiscation proceeding and dispose of the same within a maximum period of four weeks thereafter bearing in mind the law laid down by the Apex Court as well as this Court in connection with provisional release of seized vehicle.

With the aforementioned observation and direction, these writ applications are disposed of.

Bibhash/-

NAFR	NAFR
CAV DATE	NA
Uploading Date	8.2.2017
Transmission Date	NA

(Jyoti Saran, J)

