

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19574 of 2016

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Mahendra Prasad Sahu Son of Late Shiv Narayan Prasad, Resident of Village- Sonbarsa, P.O.- Sonbarsa, P.S.- Sonbarsa, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar, through the Collector, Rohtas at Sasaram.
2. The Divisional Forest Officer- cum- Authorised Officer, Rohtas Division at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Officer-in-Charge, Sanjhauli Police Station- Sanjhauli, Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.1755 of 2017

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Surendra Singh, Son of Lal Mohar Singh, Resident of Village- Chatar, P.S.- Dinara, 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.1760 of 2017

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Rajesh Kumar Singh, Son of Late Surya Keshwar Singh, Resident of Mohalla- Mahavir Asthan Kuraich, Sasaram, P.S.- Sasaram (Model), 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.1805 of 2017

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Ram Kumar son of Late Onkar Nath Gupta resident of village - Pali Road, 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 Divisional Forest Officer-cum-authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester Tilauthu, Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.1852 of 2017

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Parmanand Sah, Son of Panna Sah, Resident of Village- Khuddi, Police Station- Chand, District- Kaimur (Bhabhua).

.... 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.1972 of 2017

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Sanjay Singh, Son of Survansh Singh, Resident of Village- Kuraich (Mahavir Asthan), Sasaram, P.S. Sasaram (Model), 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.2009 of 2017

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Surendra Kumar, son of Yamuna Singh, resident of village Pachpokhari, P.S. Pachpokhari, District Rohtas at present C/o Radheshyam Amara, Sikarganj, District Chandauli (U.P.)

.... 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.2091 of 2017

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Nagendra Singh, son of Sri Janeshwar Singh, resident of village Gopi



Bigha, P.S. Dehri District Rohtas at Sasaram at present Ghooghari Tand,
Madhusudan Colony, Road No.5, Gaya, District Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Office-cum-Authorized Officer, Rohtas at Sasaram
4. The Officer In-charge, Dehri Town Police Station, Dehri District Rohtas at Sasaram

.... Respondents

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Appearance :

(In CWJC No.19574 of 2016)

For the Petitioner/s : Mr. Ramakant Yadav, Adv.

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

(In CWJC No.1755 of 2017)

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

For the Respondent/s : Mr. Raghwanand -GA11

(In CWJC No.1760 of 2017)

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

For the Respondent/s : Mr. Lokesh Kumar Singh, AC to AAG-13

(In CWJC No.1805 of 2017)

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

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

(In CWJC No.1852 of 2017)

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

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

(In CWJC No.1972 of 2017)

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

For the Respondent/s : Mr. Chitranjan Sinha- PAAG2

(In CWJC No.2009 of 2017)

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

For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)

(In CWJC No.2091 of 2017)

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv.

For the Respondent/s : Mr. Raghwanand -GA11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 10-02-2017 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 Officer, 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 are 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, this writ application is disposed of.

(Jyoti Saran, J)

Surendra/-

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