

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.620 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 15427 of 2016
Alongwith
Interlocutory Application No. 2428 of 2017**

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Deneshwar Singh, Son of Satan Singh, resident of Village- New Diliya, House No. 295, P.S.-Dehri, District-Rohtas at Sasaram.

.... Appellant

Versus

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

.... Respondents

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Appearance :

For the Appellant : Mr. Vipin Kumar Singh, Advocate.

For the Respondents : Mr. Sarvesh Kumar Singh, A.A.G. 13.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-04-2017

Re.: Interlocutory Application No. 2428 of 2017.

The delay in filing the Letters Patent Appeal is condoned. The Interlocutory Application is, accordingly, disposed of.

Re. Letters Patent Appeal No. 620 of 2017

In the matter of action taken against the appellant with regard to an offence committed under the Forest Lawn and confiscation of the vehicle used for commission of the offence. The learned Writ Court has disposed of the matter with the following directions:

“Having heard learned counsel for the



parties and taking into consideration the limited prayer made by the petitioner, 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 appeal of the petitioner 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 of any reason the appeal is not disposed of within the period stipulated hereinabove, the Appellate Authority would consider the prayer of the petitioner for provisional release of his vehicle in question and dispose of the same within one month thereafter in accordance with law.”

Keeping in view the nature of order passed, we are not inclined to interfere with regard to grievance of the petitioner. If the appeal is still pending, the petitioner may file his application before the Appellate Authority where the appeal is pending for provisional release of the vehicle and it is for the Appellate Authority to consider the grievance of the petitioner and pass an appropriate order for



provisional release of the vehicle of the petitioner. That being so, we are not inclined to interfere into the matter. In case the application of the appellant for provisional release of the vehicle is still pending before the Appellate Authority then the Appellate Authority shall decide the same and pass an order with regard to provisional release of the vehicle of the petitioner within one month from the date of receipt/production of a certified copy of this order.

With the aforesaid liberty, the appeal is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

U.K./-

AFR/NAFR	NAFR
CAV DATE	N/A.
Uploading Date	21.04.2017.
Transmission Date	

