

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1337 of 2017

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Santosh Kumar, son of Shiv Narayan Singh, resident of village Suba 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 Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1382 of 2017

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Rijwan Ahmad, son of Abdul Gaffar, resident of village Bisauri, P.S. Chandauli, district Chandauli, (U.P.) through power of attorney holder Rajesh Ranjan son of Dina Nath Singh, resident of village Bahera, P.S. Kudra, District Kaimur

.... 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 Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1383 of 2017

=====

Binit Kumar son of Baban Singh resident of mohalla New Area P.S. Sasaram, 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 Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1389 of 2017

=====

Dharmendra Singh, son of Shankar Singh, resident of village Deliyen, P.S. Sasaram, 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 Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1417 of 2017

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Surendra Kumar son of Rabindra Kumar, resident of mohalla Anaith milki, Ara, District Bhojpur

.... 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

with

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Civil Writ Jurisdiction Case No. 1434 of 2017

=====

Jokhan Singh, son of Late Bhim Singh, resident of village Sita Bigha, P.S. Sasaram Muffasil, 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

with

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Civil Writ Jurisdiction Case No. 1448 of 2017

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1. Shiv Shankar Chaudhary, S/o Nathuni Chaudhary, R/o Village- Karansarai, P.S.- Sasaram, 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 Forestor Tilauthu cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1453 of 2017

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1. Chandan Patel, Son of Uma Shankar Singh, Resident of Village- Chitaon, Police Station- Dinara, 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

with

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Civil Writ Jurisdiction Case No. 1486 of 2017

=====

Rinku Kumar Keshri son of Girija Prasad Keshri, resident of village Amara Talab, P.S.Sasaram, 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

with

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Civil Writ Jurisdiction Case No. 1516 of 2017

=====

1. Jitendra Singh, Son of Late Jai Ram Singh, Resident of village - Pran Bigha, Post - Bharthu, Police Station - Hulash Ganj, District - Jehanabad

.... 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 - Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram
- 3. The Forester, Tilauthu, Rohtas

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1562 of 2017

=====

1. Amresh Kumar Pandey, S/o Late Shivpujan Pandey, R/o Village & P.O.- Chhotka more, P.S.- Sasaram, 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 Forestor Tilauthu Cum Darigaon, Forest Circle, District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1584 of 2017

=====

Rajesh Kumar Singh son of Surya Keshwar Singh, resident of mohalla Gaurakshni Sasaram, P.S. Sasaram(Model), District Rohtas, at present resident of Mithapur, G.P.O. Jakkanpur, P.S. Jakkanpur, District Patna

.... 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

with

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Civil Writ Jurisdiction Case No. 1631 of 2017

=====

1. Kamlesh Singh, Son of Dudhnath Singh, Resident of Village- Rodpura, Police Station- Dehri, 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

with

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Civil Writ Jurisdiction Case No. 1632 of 2017

=====

1. Avinash Kumar, Son of Jokhan Singh, Resident of Village- Sita Bigha, Police Station- Sasaram Muffasil, 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

with

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Civil Writ Jurisdiction Case No. 1636 of 2017

=====

1. Santosh Kumar Gupta son of Doma Sah, Resident of Village- Amara Talab, Police Station- Sasaram (M), 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-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
- 3. The Forester Tilauthu, Rohtas.



.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1643 of 2017

=====

Amit Kumar son of Nand Kishore Singh, resident of mohalla Gandhi Nagar P.S.
Sasaram 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

with

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Civil Writ Jurisdiction Case No. 1649 of 2017

=====

1. Anil Kumar, Son of Manik Chand Sah, Resident of Village- Baijla, P.S.-
Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

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

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1657 of 2017

=====

1. Rajdeo Singh, son of Ram Dayal Singh, resident of Village- Islamganj, 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-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester, Tilauthu, Rohtas.

.... Respondent/s

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Appearance :

(In CWJC No. 1337 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14

(In CWJC No. 1382 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Anant Pd. Singh- SC15

(In CWJC No. 1383 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Gajendra PD.Yadav-SC17

(In CWJC No. 1389 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)

(In CWJC No. 1417 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Raghwanand- GA11

(In CWJC No. 1434 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Raghwanand- GA11

(In CWJC No. 1448 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha- GP21

(In CWJC No. 1453 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)

(In CWJC No. 1486 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Anant PD. Singh- SC15

(In CWJC No. 1516 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. Raghwanand- GA11

(In CWJC No. 1562 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Raghwanand-GA11

(In CWJC No. 1584 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Anant PD.Singh-SC15

(In CWJC No. 1631 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha-GP21

(In CWJC No. 1632 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha- GP21

(In CWJC No. 1636 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Gajendra PD.Yadav-SC17

(In CWJC No. 1643 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14

(In CWJC No. 1649 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Gajendra Pd. Yadav- SC17



(In CWJC No. 1657 of 2017)

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

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-02-2017

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 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/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2017
Transmission Date	NA

(Jyoti Saran, J)

