

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2342 of 2017

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Kaushlendra Kumar, Son of Lalan Sharma, Resident of Village- Latta, P.S.- Pouthu, District- Aurangabad. At present resident of T.P. Nagar, Rawa Bhata, Raipur, District- Raipur (Chhatisgarh), Pin- 0726085.

.... 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.2349 of 2017

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Sunil Kumar Chaudhary, S/o Paras Kumar Chaudhary, R/o Mohalla- Bhartiganj, Sasaram, P.S.- Sasaram, District- Rohtas.

.... Petitioner

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.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2353 of 2017

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Lalan Kumar, S/o Mahendra Singh, R/o Village- Mardiya, P.S.- Nasriganj, District- Rohtas.

.... Petitioner

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.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2370 of 2017



Zafiral Hasan, S/o Ali Hasan, R/o Mohalla- Ward No. 15 Paithan Toli,
P.S.- Aurangabad, District- Aurangabad. Through Power of Attorney
Holder- Sonu Kumar Singh, S/o Bipin Singh, R/o Mohalla- New Area, P.S.
Sasaram, District- Rohtas.

.... Petitioner

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.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2375 of 2017

Brajesh Kumar Singh, S/o Baikunth Singh, R/o Village- Tekaria, Chenari,
P.S.- Chenari, District- Rohtas. Through:- Power of Attorney Holder:- sonu
Kumar Singh, S/o Bipin Singh, R/o Mohalla- New Area Sasaram, P.S.-
Sasaram, District- Rohtas.

.... Petitioner

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.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2381 of 2017

Anil Kumar, S/o Suresh Shaw, R/o Village- Admapur, P.S.-Sasaram,
District-Rohtas.

.... Petitioner

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

.... Respondents

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with

Civil Writ Jurisdiction Case No.2395 of 2017

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Aditya Raj S/o- Shyam Bihari Singh R/o Mohalla- Kuraich, Sasaram, P.S.-
Sasaram, District- Rohtas.

.... Petitioner

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 at Sasaram.
6. The Range Officer Sasaram Forest area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle District Rohtas.

.... Respondents

with

Civil Writ Jurisdiction Case No.2400 of 2017

=====

Dhirendra Singh S/o - Ramu Singh R/o Village- Tevra, P.S.- Nauhatta,
District- Rohtas.

.... Petitioner

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.

.... Respondents

with

Civil Writ Jurisdiction Case No.2424 of 2017

=====

Shambhu Chouhan, S/o Brij Bilas Chaudhary, R/o village - Amratalab, P.S.
Sasaram, District - Rohtas

.... Petitioner

Versus

1. The State of Bihar through Principal 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

.... Respondents

with



Civil Writ Jurisdiction Case No.2450 of 2017

=====

Sonu Kumar, S/o Late Jagnarayan Singh, R/o Village- Ghatmapur, P.S.-
Sasaram, District- Rohtas.

.... Petitioner

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.

.... Respondents

with

Civil Writ Jurisdiction Case No.2500 of 2017

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Bhaiya Ram Singh, son of late Mohan Singh, resident of village Mahadeva,
P.O. Jamuhar, P.S. Dehri, District Rohtas

.... Petitioner

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.

.... Respondents

with

Civil Writ Jurisdiction Case No.2501 of 2017

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Dharmendra Kumar S/o Satendra Singh R/o Village - Subba Bigha, P.S. -
Dehri, District - Rohtas, through Power of Attorney Holder : - Sunil
Kumar, S/o Late Fagu Singh, R/o Mohalla - Jagdev Nagar, Sasaram, P.S. -
Sasaram, District - Rohtas.

.... Petitioner

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.

.... Respondents



with
Civil Writ Jurisdiction Case No.2522 of 2017
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Manoj Kumar, S/o Kameshwar Singh, Resident of village - Dharahara, P.S.
+ P.O. Darihat, 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.2528 of 2017
=====

Sanjay Singh, son of Gopal Singh, resident of village Deliyar, P.S.
Sasaram, District Rohtas
..... Petitioner

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.
..... Respondents

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with
Civil Writ Jurisdiction Case No.2540 of 2017
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Dharmendra Kumar, son of Satendra Singh, resident of village Subha
Bigha, P.S. Dehri, District Rohtas, through Power of Attorney Holder, Sunil
Kumar, son of Late Fagu Singh, resident of Mohalla Jagdev Nagar,
Sasaram, P.S. Sasaram, District Rohtas
..... Petitioner

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.
..... Respondents

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with
Civil Writ Jurisdiction Case No.2548 of 2017
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Md. Shamim Ahmad Ansari, son of Md. Abdul Rauf, Resident of Dhatkidih Market, Bistupur, Jamshedpur, 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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Appearance :

(In CWJC No.2342 of 2017)

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

For the Respondent/s : Mr. Ashutosh Kumar Jha, AC to GA11

(In CWJC No.2349 of 2017)

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

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

(In CWJC No.2353 of 2017)

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

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

(In CWJC No.2370 of 2017)

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

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

(In CWJC No.2375 of 2017)

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

For the Respondent/s : Mr. Raghwanand- GA11
Mr. Prabhat Kumar, AC to GA11

(In CWJC No.2381 of 2017)

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

For the Respondent/s : Mr. Sarvesh Kr.Singh-AAG13
Mr. Tej Pratap Singh, AC to AAG13

(In CWJC No.2395 of 2017)

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

For the Respondent/s : Ms. Jehan Ara, AC to GP14

(In CWJC No.2400 of 2017)

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

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

(In CWJC No.2424 of 2017)

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

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

(In CWJC No.2450 of 2017)

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

For the Respondent/s : Mr. Amaresh Kumar, AC to GP21

(In CWJC No.2500 of 2017)

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

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

(In CWJC No.2501 of 2017)

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

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

(In CWJC No.2522 of 2017)



For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
 For the Respondent/s : Mr. Chitranjan Sinha- PAAG2
 (In CWJC No.2528 of 2017)
 For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
 For the Respondent/s : Mr. Raghwanand- GA11
 (In CWJC No.2540 of 2017)
 For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
 For the Respondent/s : Md. Faiz Ahmad, AC to GP14
 (In CWJC No.2548 of 2017)
 For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
 For the Respondent/s : Mr. Raghwanand- GA11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-02-2017 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 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 applications 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 vehicles.

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

(Jyoti Saran, J)

Surendra/-

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