

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8543 of 2017

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Santosh Kumar Singh, Son of Sri Raj Nath Singh, Resident of Village-
Suara, Post Office- Pahleza, Police Station- 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 Forest Tilauthu cum Darigaon, Forest Circle District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG-13

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 21-08-2017 Heard Mr. Rakesh Kumar, learned Counsel appearing
on behalf of the petitioner and Mr. Sarvesh Kumar Singh, learned
AAG-13, appearing on behalf of the respondent State.

The present writ application has been filed for a
direction to the respondent authorities for provisional release of
the vehicle (Damper Tipper), bearing Registration No. BR-
24G/3944, Engine No.B591803111A62982921 and Chassis No.
MAT 449022B3A02028, which has been seized on 27.03.2015, in
Forest Case No.20/2015 and confiscated, vide order dated
20.04.2015, passed by Divisional Forest Officer-cum-Authorized



Officer, Rohtas in Confiscation Case No.55 of 2015. However, learned Counsel for the petitioner confines his prayer only for a direction for disposal of the Confiscation Appeal No.39/2015, pending before respondent no.3, the District Magistrate, Rohtas at Sasaram as expeditiously as possible.

The factual matrix of the case is that on 27.03.2015, the vehicle (Damper Tipper) in question was seized from Veer Kunwar Singh Chowk, Dehri- Sasaram Road, by the Forest Guard, since it was illegally carrying stone chips, leading to registration of Forest Case No. 20 of 2015, dated 27.03.2015, as contained in Annexure-1 series. Consequently, confiscation Proceeding No. 55 of 2015 was initiated. The Divisional Forest Officer-cum-Authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram, vide order dated 20.04.2015 confiscated the vehicle in question along with the seized stone chips. The petitioner challenged the said order by preferring the Confiscation Appeal No.39 of 2015, before Respondent No.3, the District Magistrate, Rohtas at Sasaram, which is still pending. The petitioner earlier preferred CWJC No. 7339 of 2015, with a prayer for release of the vehicle in question, but during pendency of this writ application, the confiscation proceeding was concluded and final order was passed in Confiscation Case No. 55 of 2015, hence, the writ application



was disposed of vide order dated 21.08.2015, as contained in Annexure-6, passed by a co-ordinate Bench of this Court, with a liberty to the petitioner to avail the statutory remedy of appeal. Thereafter, the petitioner preferred Confiscation Appeal No. 39/2015.

It is submitted by learned Counsel appearing on behalf of the petitioner that the vehicle in question was illegally seized and the stone chips were being carried on the said vehicle under a valid permit. Moreover, the issue raised by the petitioner during the pendency of the confiscation proceeding has not been considered by the authorities. Consequently, the petitioner preferred Confiscation Appeal No.39/2015, which has not been disposed of by the Appellate Authority and the vehicle in question is unnecessarily being junked in open air. Hence, the present writ application.

Mr. Sarvesh Kumar Singh, learned AAG-13, appearing on behalf of the respondent State submits that the vehicle in question has already been confiscated and the appeal of the petitioner will be disposed of within a time frame.

Considering the rival submission of the parties and keeping in view the confined prayer of the petitioner with regard to disposal of the Confiscation Appeal No. 39/2015, respondent



no.3, the District Magistrate, Rohtas at Sasaram is expected to dispose of the appeal of the petitioner after giving due notice to all the affected persons in accordance with law within a period of two months from the date of receipt/production of a copy of this order. If respondent no.3, the District Magistrate, Rohtas at Sasaram fails to dispose of the appeal within the stipulated time frame, he may consider the provisional release of the vehicle in question in accordance with law.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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