

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3625 of 2017

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Rajesh Kumar, Son of Chandrama Singh, Resident of village - Jaipur, Police Station Sasaram (M), District - Rohtas

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest officer - Cum - Authorized officer, Rohtas, Forest Division, Rohtas at Sasaram
4. The Forester Tilauthu Forest, Range, Rohtas

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3802 of 2017

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Manoj Kumar Singh S/o Dinanath Singh Resident of Village - Kanchanpur, P.S. - Sasaram (M), District - Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas.
4. The Divisional Forest Officer-cum-authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 3969 of 2017

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Shailendra Singh, S/o Shyam Narayan Singh, Resident of Village Kanchanpur, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas.
4. The Divisional Forest Officer- cum- authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4155 of 2017

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Diwakar Kumar Singh, son of Awadhesh Singh, resident of Village- Kudwa, Police



Station- Barun, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department fo Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Dehiri-On-Sone.
4. The Divisional Forest Officer-cum-authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4257 of 2017

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Vikash Kumar Singh, S/o Kamlesh Singh, Resident of Village- Sohwaliya Khurd, P.S.- Karghar, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Departmet of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-authorized Officer, Rohtas, Forest Division, Rohtas at Sasaram.
4. The Forester, Tilauthu, Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 8466 of 2017

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Akhlakh Ansari, Son of Najamuddin Ansari, Resident of Village- Bansa, P.O.- Karwandiya, P.S.- Sasaram (M), District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Forest Depttment, 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

with

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Civil Writ Jurisdiction Case No. 10229 of 2017

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Bhola Yadav, Son of Dhan Kishun Yadav, Resident of Mohalla- Gada Basa, Kali Mati Station Road, Jamshedpur, P.S.- Golmuri, District- Singhbhum (Jharkhand), At present resident of Mohalla- New Sidhauli, Dalmiya Nagar, P.S.- Dalmiya Nagar, 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 Officer-cum Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 11018 of 2017

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Vir Pratap Singh Son of Baban Singh Resident of Mohalla - Darpa Narain Tagore Street, Kolkata - 6, At present resident of Bikramganj, P.O. + P.S. Bikramganj, 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 Officer-cum- Authorized Officer, Rohtas Forest Division, Sasaram, District - Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 11647 of 2017

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Ajay Kumar Singh, Son of Suryabansh Singh, Resident of Village- Dhaudarh, P.S.- Sasaram (M), 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 Officer-cum- Authorized Officer, Rohtas Forest Division, Sasaram, District- Rohtas.

.... Respondents

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Appearance :

(In CWJC No.3625 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Rajan, AC to GA11

(In CWJC No.3802 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Raghwanand, GA11
Mr. Rajan, AC to GA11

(In CWJC No.3969 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Respondent/s : Mr. Awanish Nandan Sinha -GP21

(In CWJC No.4155 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

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

(In CWJC No.4257 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary



For the Respondent/s : Mr. Chitranjan Sinha -PAAG2
(In CWJC No.8466 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Gajendra Pd. Yadav- SC17
(In CWJC No.10229 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Awanish Nandan Sinha -GP21
(In CWJC No.11018 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sarvesh Kr. Singh- AAG13
(In CWJC No.11647 of 2017)
For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. Sarvesh Kumar Singh - AAG13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-12-2017

Heard learned counsel for the petitioners and the State.

The grievance of the petitioners is that the confiscation proceeding has been decided against the petitioners and the appeals are pending before the appellate authority, who in the present matters would be the District Magistrate, Rohtas at Sasaram under the Indian Forest Act, 1927. It is the grievance of the petitioners that while the disposal of the appeal is delayed, the vehicle stands confiscated and left to face vagaries of weather, would ultimately render it obsolete by a delayed disposal. It is in these circumstances that these petitioners have come before this Court praying for a direction to the appellate authority i.e. the District Magistrate, Rohtas at Sasaram to dispose of the respective appeal expeditiously and in case of unwanted delay consider their prayer for provisional release of their vehicles.

In my opinion, the prayer made by the petitioners in this batch of writ petitions is just and proper for in the statutory appeal of



the present nature where the goods seized are liable to decay and would become obsolete by passage of time, the appeal requires a expeditious disposal and in the circumstances so discussed, I hereby direct the District Magistrate, Rohtas at Sasaram, the appellate authority under the Indian Forest Act, to consider and dispose of the appeal of the petitioners herein in accordance with law and after opportunity of hearing to the petitioners expeditiously and preferably within three months from the date of receipt/ production of a copy of this order and in case for any reason not attributable to these petitioners the appeal is not disposed of within the period stipulated above, the appellate authority shall consider the prayer of the petitioners for provisional release of their respective vehicles which are subject matter of the proceeding and dispose of the same in accordance with law preferably within four weeks of expiry of the period stipulated above.

With the observations/ directions aforementioned, the writ petitions are disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2017
Transmission Date	NA

