

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2384 of 2016
IN
Civil Writ Jurisdiction Case No. 6639 of 2016**

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Amit Kumar Son of Nand Kishore Singh Resident of Mohalla- Gandhi Nagar,
Company Sarai, Sasaram, P.S.-Sasaram (T), District-Rohtas

.... Appellant/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

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Appearance :

For the Appellant/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Sarvesh Kumar Singh- AAG-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-08-2017

In this Letters Patent Appeal under Clause 10 of the Letters Patent fortunately or unfortunately on misconceived notion challenge is made to an order dated 11.11.2016 passed by the learned Writ Court in CWJC No. 6639 of 2016.

On going through the order passed by the learned Writ Court, impugned in this Letters Patent Appeal, we find that in fact the



learned Writ Court has allowed the writ petition of the appellant and directed the authorities, where the confiscation proceedings were pending, to decide them within a time frame granted, failing which the vehicle was directed to be provisionally released to the appellant.

We find no error in the order passed by the learned Writ Court and we see no reason as to why this order has been challenged in this appeal. While making submissions in this matter, learned counsel for the appellant has tried to point out that instead of complying with the order dated 11.11.2016, by a backdated order confiscation has been directed in an illegal manner. If that be so, the appellant should bring it to the notice of the learned Writ Court either by filing review application or by way of contempt application and it would be for the Writ Court to go into this aspect of the matter.

As the appellant has already challenged the confiscation order by filing an appeal, he is at liberty to raise all the points before the appellate authority and the appellate authority can consider the same and bring the same to its logical conclusion.

In the facts and circumstances, as there was only direction of the Writ Court to conclude the confiscation proceeding within a particular time frame and on the appellant's own showing, it is apparent that the confiscation proceedings have been finalized, no further indulgence into the matter is called for.



We dispose of this Letters Patent Appeal with the
aforesaid observation.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2017
Transmission Date	

