

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10303 of 2016

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M/s Realty Advance Structure Enterprises Pvt. Ltd. through its Managing Director Dilip Kumar, S/o Shri Basant Singh, R/o Shanti Kunj, Brahmsthan, Kurthaul, N.H. - 83, P.S. - Parsa Bazar, District - Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Forest, Patna.
3. The Authorized Officer-cum-Divisional Forest Officer, Forest Division, Gaya.
4. Forest in House Officer, Gaya Sadar.
5. The District Magistrate, Gaya.
6. The Principal Secretary Rural Works Department, Bihar, Patna.
7. The Engineer in Chief, Rural Works Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioner and learned
AC to GA-1 representing the respondent State.

The present writ application has been filed for quashing the order dated 26.12.2015 passed by respondent no.3 in Confiscation Case No. 55/2015 whereby the JCB machine bearing Sr.No.1871492, Engine Sr. No.H00077691, Chasis No.HAR30X55KO bearing registration no. BR-01-GD-7854, has been confiscated on the ground that the same was used for the purpose of digging and construction of the road in the forest area without obtaining permission of the competent authority. The



further prayer has been made for a direction to respondent no.5 to dispose of the appeal filed by the petitioner against the order dated 26.12.2015 in Confiscation Case No. 55/2015, which is pending since 06.02.2016.

Interlocutory Application No.5450 of 2016 has been preferred for release of the abovementioned JCB machine during pendency of the writ application.

Learned counsel for the State admits that the appeal is pending.

Under the circumstances, the writ application is disposed of with a direction to the respondent no.5, the District Magistrate, Gaya, to dispose of Confiscation Appeal No. 2/2016 within a period of four weeks from the date of receipt/ production of a copy of this order, after giving due opportunity to all the affected persons, in accordance with law.

Accordingly, with the above observation and direction, the writ application as well as interlocutory application, is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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