

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2385 of 2016
IN
Civil Writ Jurisdiction Case No. 6362 of 2016**

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Nand Kishore Singh Son of Hari Krishna Singh Resident of Mohalla-Gandhi
Nagar, Kanodia, 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 Kr.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. 6362 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)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2017
Transmission Date	

(Anil Kumar Upadhyay, J)

