

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2181 of 2017

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Chandan Patel @ Chandar Patel Son of Uma Shankar Singh, Resident of Village-Chitaon, P.S.-Kochas, 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 Office-Cum-Authorized Officer, Rohtas Forest Division, Sasaram, District-Rohtas.

.... Respondents

with

Civil Writ Jurisdiction Case No.2384 of 2017

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Nagendra Singh Son of Shiv Pukar Singh, Resident of Village-Nagar Gate, Dehri, Police Station-Dehri, 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, Rohtas.

.... Respondents

with

Civil Writ Jurisdiction Case No.2523 of 2017

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Abhimanyu Singh, S/o Lal Bahadur Singh, R/o Mohalla - Mogalpur, Patna, P.S. Patna City, District - Patna

.... Petitioner

Versus

1. The State of Bihar through Secretary Forest and Environment Department Govt. of Bihar at Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest Officer Cum Authorised Officer Rohtas, Sasaram

.... Respondents

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Appearance :

(In CWJC No.2181 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. Anant Pd.Singh-SC15

(In CWJC No.2384 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Ram Shankar Prasad, AC to GP-14

(In CWJC No.2523 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Respondent/s : Mr. Sarvesh Kr Singh -AAG13



Mr. Ravi Kumar, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 17-02-2017 Learned counsel for the parties are present.

The limited relief prayed by the petitioner in these writ petitions is for a direction to the Appellate Authority under the Indian Forest Act, 1927, who in the present matter would be the District Magistrate, Rohtas at Sasaram for expeditious disposal of the appeal filed on behalf of the petitioners. The petitioners have also prayed for provisional release of their vehicle pending adjudication of their appeal.

In these writ petitions, the confiscation proceeding has been decided against the petitioners and the appeal is pending.

The grievance of the petitioners is that while there is no sign of expeditious disposal of their appeal, the vehicles which are subject matter of the appellate proceedings would be rendered obsolete since the same are kept under open sky and thus subjected to the vagaries of weather as well as wear and tear.

The petitioners in these cases have preferred Confiscation (Forest) Appeal Nos. 29/2016, 3/2017 and 47/2016 respectively being aggrieved by the order of the confiscation passed by the Divisional Forest Officer cum Authorized Officer, Rohtas at Sasaram in Confiscation Case Nos. 137/2015(A) arising from



Forest Case No. 67F/2015, Confiscation Case No. 57/2016 (A, B & C) arising from Forest Case No. 24/2016 and Confiscation Case No. 47/2016 respectively.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioners, all these writ petitions are disposed of with the direction to the District Magistrate, Rohtas at Sasaram cum Appellate Authority under the Indian Forest Ac, 1927 to consider and dispose of the appeal of the petitioners in accordance with law and after giving opportunity of hearing to the contesting parties, expeditiously and preferably within three months from the date of receipt/production of a copy of the order. In case for any reason the appeal is not disposed of within the period stipulated hereinabove, the Appellate Authority would consider the prayer of the petitioner for provisional release of their vehicle in question and dispose of the same within one month thereafter in accordance with law.

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

(Jyoti Saran, J)

Surendra/-

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