

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.528 of 2017

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1. Ravindra Kumar, Son of Kameshwar Singh, Resident of village - Amari, Police Station Sasaram (M), District - Rohtas

.... Petitioner/s

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 - Authorised officer, Rohtas, Forest Division, Rohtas at Sasaram
4. The Forester Tilauthu, Rohtas

.... Respondent/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-01-2017

Learned counsel for the parties are present.

The limited relief prayed by the petitioner in this writ petition 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 petitioner. The petitioner has also prayed for provisional release of his vehicle pending adjudication of his appeal.

In this writ petition, the confiscation proceeding has been decided against the petitioner and the appeal is pending.

The grievance of the petitioner is that while there is no sign of expeditious disposal of his appeal, the vehicle which is subject matter of the appellate proceedings would be rendered obsolete since the same is kept under open sky and thus subjected to the vagaries of weather as well



as wear and tear.

The petitioner in this case has preferred Confiscation (Forest) Appeal No. 73 of 2016 being aggrieved by the order of the confiscation passed by the Divisional Forest Officer -cum- Authorized Officer, Rohtas at Sasaram in Confiscation Case No. 16 of 2016 arising from Forest Case No. 5 of 2016.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioner, this writ petition is disposed of with the direction to the District Magistrate, Gaya -cum- Appellate Authority under the Indian Forest Act, 1927 to consider and dispose of the appeal of the petitioner 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 his vehicle in question and dispose of the same within one month thereafter in accordance with law.

With the observations/directions aforementioned, this writ petition is accordingly disposed of.

Bibhash/-

(Jyoti Saran, J)

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CAV DATE	
Uploading Date	23.01.2017
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