

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1724 of 2017

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Ashok Tiwary, Son of Late Bhagwat Tiwary, resident of village - Jurudi,
P.O. Jalang Bamebari, Keonlihar (Oddisa) At Present resident of village -
Sheopur, Police Station - Kochas, 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 - Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram
4. The Forester, Tilauthu, Rohtas

.... Respondents

with

Civil Writ Jurisdiction Case No.2209 of 2017

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Anup Kumar Gupta, son of Kanhaiya Prasad, resident of Mohalla East
Mohan Bigha (Dehi-on-Sone), P.S. Dehri-on-Sone, District Rohtas

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna
2. The Divisional Forest Officer - Cum - Authorised Officer, Rohtas, Forest Division, Rohtas
3. The Forester, Tilauthu Range, Rohtas (Sasaram)

.... Respondents

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Appearance :

(In CWJC No.1724 of 2017)

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

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

(In CWJC No.2209 of 2017)

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

For the Respondent/s : Mr. Dhurjati Kumar Prasad- GP14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-02-2017

Learned counsel for the parties are present.

The limited relief prayed by the petitioners 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 vehicles 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 No. 34/2016 and Confiscation (Forest) Appeal No. 80/2016 respectively being aggrieved by the order of confiscation passed by the Divisional Forest Officer cum Authorized Officer, Rohtas at Sasaram in Confiscation Case No. 180/2015 arising from Forest Case No. 86/2015 and Confiscation Case No. 100/2016 arising from Forest Case No. 42/2016 respectively.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioners, these writ petitions are disposed of with the direction to the District



Magistrate, Rohtas at Sasaram cum Appellate Authority under the Indian Forest Act, 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 petitioners for provisional release of their vehicles 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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