

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2219 of 2017

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Rajendra Singh, Son of Dharamdeo Singh, Resident of 85/40 officer Flat,
Baily Road, Patna

.... 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 Officer - Cum - authorized officer, Rohtas Forest
Division, Sasaram, District - Rohtas

.... Respondents

with

Civil Writ Jurisdiction Case No.2726 of 2017

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Upendra Sah, S/o Goverdhan Sah, Resident of village - Amari, P.S.
Sasaram, 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, Darigaon, Rohtas

.... Respondents

with

Civil Writ Jurisdiction Case No.2728 of 2017

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Umesh Kuamr Singh, S/o Laxami Singh, Resident of village - Inerpatpur,
P.O. Pachrukhiya, P.S. Piro, District - Bhojpur

.... 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, Darigaon, Rohtas

.... Respondents

with

Civil Writ Jurisdiction Case No.2960 of 2017

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Sunil Kumar Singh, S/o Shyam Bihari Singh, Resident of Village- New
Sidhwli, P.S.- Dalmiya Nagar, 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 Darigaon, Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.2988 of 2017

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Wakil Singh, S/o Sitaram Singh, resident of -baily Road Officer Flat, Patna,
At Present Resident of Village-Tendue, Dusadhi P.S.-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

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with

Civil Writ Jurisdiction Case No.3319 of 2017

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Sunil Kumar, S/o Late Fagu Singh, Resident of village - Karman Tola, Ara,
P.S. Nawada, District - Bhojpur

.... 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

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with

Civil Writ Jurisdiction Case No.3438 of 2017

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Pradeep Kumar Singh, Son of Late Parmeshwar Singh, Resident of 89
Salkiya Road, P.S.- Gulabiz, District- Hawrha.

.... 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 Officer-cum-Authorized Officer, Rohtas Forest Division Sasaram, District - Rohtas.

.... Respondents

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with

Civil Writ Jurisdiction Case No.4119 of 2017

Sohrab Aalam, son of late Ali Mullah, resident of village Nasriganj, P.S. Nasriganj, 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.4230 of 2017

Sanjay Kumar, Son of Bajrangi Shah, Resident of 06, Kalo Dehri, P.S. Sahar (Chawari), District - Bhojpur

.... 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.4278 of 2017

Lakshmi Devi, Daughter of Suresh Choudhary, Resident of Village- Chougain, P.S.-Murar, District-Buxar.

.... 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 Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, District - Rohtas.

.... Respondents

with

Civil Writ Jurisdiction Case No.9091 of 2017

Harendra Kumar Singh @ Harendra Singh Son of Sri Ramashish Singh Resident of Village- Tilai, P.S.- Sanjhauli, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Director/ Secretary, Dept. of Mines and Geology, Govt. of Bihar, Patna.
2. The Principal Secretary, Dept. of Forest and Environment of Bihar,



Patna.

3. The Divisional Forest Officer, Rohtas at Sasaram.

4. The District Forest Officer, Rohtas at Sasaram.

5. The Station Head Office, Dehri Town, P.S. District- Rohtas at Sasaram.

6. The Collector Rohtas at Sasaram.

.... Respondents

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Appearance :

(In CWJC No.2219 of 2017)

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

For the Respondent/s : Mr. Gajendra Pd Yadav, SC17

(In CWJC No.2726 of 2017)

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

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

(In CWJC No.2728 of 2017)

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

For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP14

(In CWJC No.2960 of 2017)

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

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

(In CWJC No.2988 of 2017)

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

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

(In CWJC No.3319 of 2017)

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

For the Respondent/s : Mr. Gajendra Pd. Yadav, SC17

(In CWJC No.3438 of 2017)

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

For the Respondent/s : Mr. Chittranjan Sinha, PAAG2

(In CWJC No.4119 of 2017)

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

For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG13

(In CWJC No.4230 of 2017)

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

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

(In CWJC No.4278 of 2017)

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

For the Respondent/s : Mr. Raghwanand, GA11

(In CWJC No.9091 of 2017)

For the Petitioner/s : Mr. Virendra Kumar Ray, Adv.

For the Respondent/s : Mr. Md.Raishul Haque, SC10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-11-2017

Heard learned counsel for the petitioners and the State.

The grievance of the petitioners is that the confiscation proceeding has been decided against the petitioners and the



appeals are pending before the appellate authority, who in the present matters would be the District Magistrate, Rohtas at Sasaram under the Indian Forest Act, 1927. It is the grievance of the petitioners that while disposal of the appeal is delayed, the vehicle stands confiscated which led to vagaries of weather and which ultimately rendered it obsolete by a delayed disposal. It is in these circumstances that these petitioners are come before this Court praying for a direction to the appellate authority i.e. the District Magistrate, Rohtas at Sasaram to dispose of the respective appeal expeditiously and in case of unwanted delay consider their prayer for provisional release of their vehicles.

In my opinion, the prayer made by the petitioners in this batch of writ petitions is just and proper for in the statutory appeal of the present nature where the goods seized are liable to decay and would become obsolete by passage of time, the appeal requires a expeditious disposal and in the circumstances so discussed, I hereby direct the District Magistrate, Rohtas at Sasaram, the appellate authority under the Indian Forest Act, to consider and dispose of the appeal of the petitioners herein in accordance with law and after opportunity of hearing to the petitioners expeditiously and preferably within three months from the date of receipt/ production of a copy of this order and in case



for any reason not attributable to these petitioners the appeal is not disposed of within the period stipulated above, the appellate authority shall consider the prayer of the petitioners for provisional release of their respective vehicles which are subject matter of the proceeding and dispose of the same within four weeks thereafter in accordance with law.

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

(Jyoti Saran, J)

Surendra/-

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