

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1505 of 2016

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1. Nagendra Choudhary S/o - Ramraj Choudhary R/o Village - Admapur, P.O. - Karwandiya, P.S. - Sasaram, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Forest and Environment Department, Government of Bihar at Patna.
2. The Secretary, Forest and Environment, Govt. of Bihar at Patna.
3. District Magistrate, Rohtas at Sasaram.
4. The Divisional Forest Officer- cum- Authorized Officer, Rohtas at Rohtas (Sasaram).

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Prasoon Sinha, G.A.2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-02-2017

Heard Mr. Uma Shankar Singh, learned counsel for the petitioner and Mr. Raghwanand G.A.11 for the State.

The petitioner is aggrieved by the order of confiscation dated 18.11.2013 passed by the Divisional Forest Officer-cum-Authorized Officer under the Indian Forest Act, 2007 (hereinafter referred to as 'the Act') in confiscation Case No.29 of 2013 whereby the 600 cubic ft. stone chips together with vehicle on which it was loaded bearing Registration No.UP67C/4461 was confiscated and which order of the Authorized Officer has been affirmed by the appellate authority i.e. the District Magistrate, Rohtas at Sasaram when the Forest



Confiscation Appeal No.94 of 2013 filed by the petitioner was dismissed vide order passed on 31.3.2015 and even the revision filed by the petitioner bearing Case No.15 of 2015 has been dismissed by the Revisional Authority- cum- Principal Secretary, Environment and Forest Department, Bihar vide order passed on 11.12.2015. There is thus a concurrent find of fact by the statutory authority as to the illegally mined forest produce being transported by the petitioner without valid supporting papers.

Although Mr. Uma Shankar Singh learned counsel for the petitioner has tried to justify the load by referring to a challan which finds mention and the stone chips receipt to submit that the load was supported with valid papers but a plain reading of the orders passed by the statutory authorities at each of the three stages would show that whereas the vehicle was loaded with 600 cubic fit of stone chips, the challan was produced by the petitioner was issued in respect of 400 cubic fit of stone murum and not stone metals. The orders impugned also would reflect that while the petitioner gave a stand that he was transporting the matter on behalf of M/s Ramji Construction but at neither the stage of proceeding, did the said firm come forward to claim the stone chips.

In the circumstances discussed whereas there is a concurrent finding by the statutory authorities and there is nothing to dislodge the



opinion, I am not persuaded to grant indulgence to the issue raised and the writ petition is accordingly dismissed.

Since the confiscation proceedings has attained finality, let the goods be put to public auction within four weeks from today. Petitioner shall be at liberty to participate in the same and would stand excluded by virtue of the present order.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	NA

