

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16799 of 2013

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1. M/S Shri Ram Kumar, Amra Talaab, P.O. Karbandiya, P.S. Sasaram Mufassil, District - Rohtas At Sasaram Through Ram Kumar S/O Shri Triveni Sao Resident Of Village - Amra Talaab, P.O. Karbandiya, P.S. Sasaram Mufassil, District - Rohtas At Sasaram

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Forest Department, Government of Bihar, Patna
3. The Chief Conservator of Forest, Bihar, Patna
4. The District Magistrate, Rohtas at Sasaram
5. The Divisional Forest Officer, Rohtas at Sasaram
6. The Superintendent of Police, Rohtas at Sasaram
7. The Station Head Officer, Sasaram Mufassil Police Station, District - Rohtas at Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam, Adv.

For the Respondent/s : Mr. Arun Kumar, A.C. to G.P.1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-09-2017

Heard Mr. S.B.K. Mangalam, learned counsel for the petitioner and Mr. Arun Kumar, A.C. to G.P.1 for the State.

A statutory appeal filed by the petitioner against the order of the Appropriate Authority- cum Division Forest Officer in exercise of powers vested under the Indian Forest Act, 1927 (hereinafter referred to as 'the Act') bearing Forest Confiscation Appeal No. 8 of 2013 remains pending since the year 2013.

Mr. Mangalam, learned counsel for the petitioner on instructions informs that yet the appeal has not been disposed of.



According to the petitioner stock of stone chips, boulders and dust was seized from the premises of the petitioner pursuant to the order dated 8.5.2013 passed in Confiscation Case No. 37 of 2013 by the Appropriate Authority- cum- Divisional Forest Officer, Rohtas in exercise of confiscation power vested under Section 52 of 'the Act' and against which the petitioner prefers statutory appeal giving rise to Confiscation Appeal No. 8 of 2013 before the District Magistrate, Rohtas who happens to be the Appellate Authority under 'the Act'. A copy of the appeal is present at Annexure-4.

A counter affidavit was filed on behalf of the respondent No.6 i.e Superintendent of Police, Rohtas and who also admits the pendency of the appeal. No counter affidavit has been filed by the District Magistrate, Rohtas, the Appellate Authority who actually should have filed affidavit informing the status of the appeal but a lapse of four years has not been found sufficient either to file counter affidavit by the District Magistrate, Rohtas or to take steps for disposal of the appeal.

Having heard learned counsel for the parties and for the present, I deem it proper to direct the respondent No.4 the District Magistrate, Rohtas at Sasaram to consider and dispose of the Forest Confiscation Appeal No.8 of 2013 filed by the petitioner in accordance with law and after opportunity of hearing to the petitioner expeditiously and



preferably within 6 weeks from the date of receipt/production of a copy of this order. The petitioner would appear with the copy of this order on or before 3.10.2017 and thereafter the District Magistrate, Rohtas shall proceed to dispose of the matter in the manner stipulated hereinabove.

The petitioner would be at liberty to pray for interim relief before the appellate authority and which should be considered and disposed of on its own merits.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2017
Transmission Date	NA

