

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3103 of 2015

In
Civil Writ Jurisdiction Case No. 8833 of 2015

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Sanjay Kumar, son of Late Jagarnath Sah, Resident of village- Bansa, P.S.-
Sasaram (M), Distt- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through Mr. Vivek Kumar Singh, The Principal Secretary Forest Department, Govt. of Bihar Patna.
2. Mr. Sandeep Kumar R. Pudul Katti, the Distt. Magistrate, Rohtas at Sasaram.
3. Mr. S. Kumar Sammy, the Divisional Forest Officer- Authorised Officer, Rohtas Forest Division, Sasaram, Distt- Rohtas.

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh
For the Respondent/s : Mr. AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 08-03-2017 Heard Sri Rajani Kant Singh, learned counsel for
the petitioner and learned AC to GA-5.

The present petition was filed with a prayer to initiate contempt proceeding against Opp.Parties on an allegation of wilful disobedience to an order passed by this Court on 11.09.2015 in C.W.J.C.No.8833 of 2015. By the said order, this Court, while allowing the writ petition, had directed for release of the seized vehicle.

In this case, earlier a show cause was filed on behalf of Opp.Parties and a stand was taken that before getting any information about the order passed by this Court, in



Confiscation Proceeding final order was passed in which seized vehicle was confiscated. The Court was not initially satisfied with the facts disclosed in the show cause and, thereafter, the matter was adjourned with direction to list this case along with record of C.W.J.C.No.8833 of 2015.

Learned State Counsel has also produced the original record of Confiscation Proceeding i.e. Confiscation Case no.91/2015. Learned State Counsel has drawn my attention to order dated 01.07.2015 in the Confiscation Proceeding and submits that after hearing the parties on 01.07.2015, the order was reserved and, thereafter, on 07.09.2015 final order was passed confiscating the seized vehicle. He submits that in the main writ petition, for the first time on 13.08.2015, the case was adjourned for filing counter affidavit and, thereafter, finally on 11.09.2015 in absence of counter affidavit, the writ petition was allowed.

After perusal of the original record of the confiscation case, it is evident that before the order was passed by this Court in the writ petition, in the confiscation proceeding, hearing was already concluded and the order was reserved. Moreover, after the order was reserved in the confiscation proceeding, this Court had granted time for filing counter affidavit.



Considering the facts and circumstances, particularly after examining the original record of confiscation Case no.91/2015, the Court is satisfied with the show cause.

Accordingly, the present proceeding stands dropped.

(Rakesh Kumar, J)

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