

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9139 of 2016

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1. Anwar Hussain son of Md. Aziz Mian, resident of village- Khorkhar, Police Station- Markacho, District- Kodarma (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Gaya.
3. The Divisional Forest Officer, Gaya Forest Division, Gaya.
4. The District Forest Officer, Gaya.
5. The Forester, Wazirganj, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Adv.

For the Respondent/s : Mr. Binodji Verma, G.P.17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-01-2017

Learned counsel for the parties are present.

The limited relief prayed by the petitioner in this writ petition is for a direction to the Appellate Authority under the Indian Forest Act, 1927, who in the present matter would be the District Magistrate, Gaya for expeditious disposal of the appeal filed on behalf of the petitioner. The petitioner has also prayed for provisional release of his vehicle pending adjudication of his appeal.

In this writ petition, the confiscation proceeding has been decided against the petitioner and the appeal is pending.

The grievance of the petitioner is that while there is no sign of expeditious disposal of his appeal, the vehicle which is subject matter of the appellate proceedings would be rendered obsolete since the same is kept under open sky and thus subjected to the vagaries of weather as well



as wear and tear.

The petitioner in this case has preferred Confiscation (Forest) Appeal No. 5 of 2016 being aggrieved by the order of the confiscation passed by the Divisional Forest Officer -cum- Authorized Officer, Gaya in Confiscation Case No. 87 of 2015 arising from Forest Case No. 131 of 2015.

Having heard learned counsel for the parties and taking into consideration the limited prayer made by the petitioner, this writ petition is disposed of with the direction to the District Magistrate, Gaya -cum- Appellate Authority under the Indian Forest Act, 1927 to consider and dispose of the appeal of the petitioner 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 petitioner for provisional release of his vehicle in question and dispose of the same within one month thereafter in accordance with law.

With the observations/directions aforementioned, this writ petition is accordingly disposed of.

Bibhash/-

(Jyoti Saran, J)

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CAV DATE	
Uploading Date	16.01.17
Transmission Date	

