

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2351 of 2018

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Pintu Kumar, Son of Bipin Bihari Gupta, Resident of Village- Nawadih,
P.S.- Akorhigola, District- Rohtas.

.... Petitioner/s

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.

.... Respondent/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 26-03-2018

Heard Mr. Rajani Kant Singh, learned
counsel for the petitioner and Mr. Dhurjati Kumar Prasad, learned
GP-14.

The present Writ application has been filed
for a direction to respondent no. 2, District Magistrate, Rohtas at
Sasaram –cum- Appellate Authority under Forest Act to dispose of
the Forest (Confiscation) Appeal No. 12 of 2017.

The factual matrix of the case is that the
petitioner being the owner of the commercial Swaraj Tractor and



its Trailer being Model No. 735-XT, was seized 31.12.2015 while transporting stone chips, leading to registration of Forest Case No. 01 of 2016 under Sections 33, 41 and 42 of the Forest Act. Subsequently, Confiscation No. 03 of 2016 was initiated and the petitioner was noticed. The Divisional Forest Officer- cum- Authorized Officer, Rohtas Forest Division, Sasaram, Rohtas vide order dated 13.08.2016, as contained in Annexure-, ordered for confiscation of the tractor, trailer and stone chips against which the petitioner preferred appeal before the District Magistrate – cum- Appellate Authority, Rohtas at Sasaram but the same has not been disposed of till date, hence, the present Writ application, as the new vehicle of the petitioner is rotting in open air.

Learned GP-14 submits that if the appeal has not been disposed of till date it will be disposed of within a time frame.

In the circumstances, it is expected from respondent no. 2, District Magistrate –cum- Appellate Authority, Rohtas at Sasaram to dispose of the appeal of the petitioner within a period of two months from the date of receipt/production of a copy of this order and if the appeal is not disposed of then Appellate Authority may consider the provisional release of the vehicle in question.



Accordingly, this Writ application is
disposed of.

(Dinesh Kumar Singh, J)

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