

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8433 of 2017

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1. Dhananjay Kumar son of Sri Arjun Yadav, Resident of Village- Vishrampur, Fatohpur, P.O.- Malhar, P.S.- Imamganj, District- Gaya.

.... 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, Imamganj, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. Chitranjan Sinha(Paag2)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-02-2018 Heard Mr. Rajeev Kumar Singh, learned counsel for the petitioner and Ratna Kumari AC to PAG-2.

The present writ application has been filed for quashing the order dated 16-07-2016 passed in Forest Appeal No. 21 of 2016 by the Divisional Forest Officer, Gaya Forest Division, Gaya whereby the truck bearing Engine No. LSD) BR-2AA/4501 and Tractor No. BA2AA/5007 has been confiscated. The further prayer has been made for release of the tractor in question.

It appears that the petitioner came before this court in CWJC No. 11411 of 2016 for release of the tractor in question during pendency of the confiscation proceeding. This court vide



order dated 11-11-2016 (Anenxure-7) directed the authorized officer to consider the grievance of the petitioner and take appropriate steps to finally dispose of the confiscation proceeding drawn against him in accordance with law within a period of three months from the date of receipt/production of a copy of this order. In case the Authorized Officer-cum-Divisional Forest Officer, Gaya is not able to dispose of the confiscation proceeding within the stipulated period of three months, for reasons not attributable to the petitioner, then he shall consider the prayer of the petitioner for provisional release of the vehicle in question.

Now, since the final order has been passed in confiscation proceeding, the same is appealable under Section-52A of the Indian Forest Act, 1927 (Bihar Amendment).

Hence, this court is not inclined to interfere at this stage.

The petitioner is permitted to file an appeal before the District Magistrate-cum-Appellate Authority, Gaya within three weeks along with the copy of condonation of delay in filing appeal as well as an application for release of the tractor in question. The District Magistrate-cum-Appellate Authority, Gaya will consider the application for condonation of delay in filing the appeal considering the fact that writ application is pending before this



court and confiscation proceeding is pending before authorized officer. The District Magistrate-cum-Appellate Authority, Gaya will also consider the question of release of the vehicle, if, there is no likelihood of the appeal being disposed of within a period of two months in accordance with law.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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