

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3918 of 2018

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Ishwar Yadav, Son of Late Kishun Yadav, Resident of Village-Baksoti Tola
Lakhpur Bigha, P.S.-Govindpur, District-Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Secretary, Forest and Environment Department, Government of Bihar, Patna.
2. The Collector/District Magistrate, District-Nawada.
3. The Authorized Officer-cum-Forest Range Officer, Nawada, Forest Range Nawada, District-Nawada.
4. The Divisional Forest Officer, District-Nawada.
5. The Forest Range Officer, Govindpur, District-Nawada.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Man Mohan Kumar
For the Respondent/s	:	Mr. DHURJATI KUMAR PRASAD -GP14

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-03-2018

Heard Mr. Alok Kumar Choubey, learned counsel for the petitioner and Mr. Dhurjati Kumar Prasad, learned GP-14 for the respondent-State.

The present writ application has been filed for a direction to respondent no.1, the Secretary, Forest and Environment Department, Government of Bihar, Patna to dispose of the Revision Case No. 10 of 2017, filed against the order dated 14.02.2017, passed in Confiscation Appeal Forest (Forest Nawada Case No. 15(M) of 2015), by respondent no.2, the District



Magistrate-cum-Appellate Authority, Nawada, whereby he has upheld the order of respondent no.3, the Divisional Forest Officer-cum-Authorized Officer, Nawada, passed vide order dated 05.02.2015, in Confiscation Case No. 04 of 2014, whereby the tractor of the petitioner, bearing registration No. BR-27A/3784 and Trolley bearing registration No. BR-27A3785 have been confiscated.

It is submitted by learned counsel for the petitioner that four tractors loaded with 'Moram', alleged to have been loaded from the protected forest area, Baksoti, were intercepted, leading to registration of Forest Case No. 12P of 2013, under Sections 22 and 41 of the Indian forest Act, 1927 (Bihar Amendment Forest Act, 1980) and under Section 3 of the Forest Conservation Act, 1980. Consequently, the confiscation proceeding was initiated vide Confiscation Case No. 04 of 2014, wherein vide order dated 5/6.02.2015, as contained in Annexure-3, respondent no.3, the Divisional Forest Officer-cum-Authorized Officer, Nawada, Forest Range, Nawada confiscated all the four tractors including the tractor of the petitioner, against which the petitioner preferred an appeal, being Appeal No. 15M of 2015, before respondent no.2, the District Magistrate-cum-Appellate Authority, Nawada, which was also dismissed vide order dated 14.02.2017, as contained in



Annexure-6, upholding the order of respondent no.3, the Divisional Forest Officer-cum-Authorized Officer, Nawada. Both the orders were challenged before this Court in Cr. Misc. No. 25061 of 2017, but a Bench of this Court, vide order dated 28.06.2017, as contained in Annexure-7, disposed of the application with liberty to the petitioner to file revision before the Secretary, Forest and Environment Department, Government of Bihar and consequently, Revision Case No. 10 of 2017 was preferred on 14.02.2017 and since then it has been pending till date. Hence, the present writ application.

Learned G.P.-14 submits that at present, he is not having any instruction, whether the revision application has been disposed of or not, but if the same has not been disposed of till date, then a direction may be given to respondent no.1, the Secretary, Forest and Environment Department, Government of Bihar, Patna to dispose of the same within a time frame.

Considering the rival submissions of the parties, it is expected from respondent no.1, the Secretary, Forest and Environment Department, Government of Bihar, Patna to dispose of Revision Case No. 10 of 2017 within a period of two months from the date of receipt/production of a copy of this order, if the same has already not been disposed of. If the aforementioned revision



application cannot be disposed of within such time, then the revisional authority may consider for provisional release of the confiscated vehicles.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.04.2018
Transmission Date	

