

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5156 of 2018

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Vipin Kumar, Son of Late Naresh Yadav, Resident of Village- Manjhala, P.O.-
Rajauli, P.S.- Rajauli, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Conservator of Forest, Gaya Circle, Gaya.
3. The Divisional Forest Officer, Nawada Forest Division, Nawada.
4. The Forester, Rajauli West, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mehboob Ashraf, Adv.
Mr. Vinay Mistry, Adv.

For the Respondent/s : Mr. Awanish Nandan Sinha, GP-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-05-2018

Heard Mr. Mehboob Ashraf, learned counsel appearing
for the petitioner and learned counsel for the State.

The petitioner prays for issuance of a writ in the nature
of mandamus commanding the respondent no.3 i.e. the
Divisional Forest Officer, Forest Division, Nawada, to release
the JCB machine bearing Registration No. BR02GA-5169
(Chasis No.02528910, Engine No.H00141259) in favour of the
petitioner which has been seized under Section 52 of the Indian
Forest Act, 1927.

Mr. Ashraf, learned counsel appearing for the petitioner
informs that though at the stage of filing of the writ petition the



confiscation proceeding had not been initiated but now the confiscation case has since been initiated by the Divisional Forest Officer, Forest Division, Nawada, however the details thereof are not known to him.

Having heard learned counsel for the parties and considering the status of the matter where according to the petitioner, the confiscation proceeding has since been initiated by the Divisional Forest Officer, Forest Division, Nawada, instead of passing any order on the prayer made herein, I deem it proper to direct the Divisional Forest Officer, Forest Division, Nawada, to consider and dispose of the confiscation case itself in accordance with law and after opportunity of hearing to the petitioner within a period of three months from the date/receipt of a copy of this judgment.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/Ragini

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.06.2018
Transmission Date	NA

