

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17613 of 2017

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Anil Singh son of Raja Singh resident of village - Dubauli, P.O. Dularpur, Police Station - Garhani, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Divisional Forest Officer-cum-Authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 17645 of 2017

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Ramesh Yadav, Son of Ram Raj Singh, Resident of Village- Nooranganj, P.S.- Sasaram, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.
4. The Forester, Tilauthu Forest Range, Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 18886 of 2017

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Md. Ibrahim Siddique, son of Sakkar Siddique, resident of village + P.S. Kachhawa, District Rohtas

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rohtas Forest Division, Rohtas at Sasaram.
4. The Forester, Tilauthu Forest Range, Rohtas.

.... Respondents

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Appearance :

(In CWJC No.17613 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

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



(In CWJC No.17645 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

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

(In CWJC No.18886 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Gajendra Pd.Yadav, SC17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-01-2018

Heard learned counsel for the petitioners and the State.

The grievance of the petitioners is that the confiscation proceeding has been decided against the petitioners and the appeals are pending before the appellate authority, who in the present matters would be the District Magistrate, Rohtas at Sasaram under the Indian Forest Act, 1927. It is the grievance of the petitioners that while the disposal of the appeal is delayed, the vehicle stands confiscated and left to face vagaries of weather, would ultimately render it obsolete by a delayed disposal. It is in these circumstances that these petitioners have come before this Court praying for a direction to the appellate authority i.e. the District Magistrate, Rohtas at Sasaram to dispose of the respective appeal expeditiously and in case of unwanted delay consider their prayer for provisional release of their vehicles.

In my opinion, the prayer made by the petitioners in this batch of writ petitions is just and proper for in the statutory appeal of the present nature where the goods seized are liable to decay and would become obsolete by passage of time, the appeal requires an



expeditious disposal and in the circumstances so discussed, I hereby direct the District Magistrate, Rohtas at Sasaram, the appellate authority under the Indian Forest Act, to consider and dispose of the appeal of the petitioners herein in accordance with law and after opportunity of hearing to the petitioners expeditiously and preferably within three months from the date of receipt/ production of a copy of this order and in case for any reason not attributable to these petitioners the appeal is not disposed of within the period stipulated above, the appellate authority shall consider the prayer of the petitioners for provisional release of their respective vehicles which are subject matter of the proceeding and dispose of the same in accordance with law preferably within four weeks of expiry of the period stipulated above.

With the observations/ directions aforementioned, the writ petitions are disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.01.2018
Transmission Date	NA

