

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19883 of 2016

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Pintu Kumar, S/o Parmeshwar Mahto, Resident of Village-Erki, P.S.-
Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Adv.

For the Respondent/s : Mr. Birendra Prasad Yadav, AC to SC-17

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-03-2018 Heard learned Counsels for the petitioner and
respondent-State.

The present Writ application has been filed with a prayer for quashing of the order dated 14.12.2015, passed in Forest Confiscation Case No. 76 of 2015, passed by the respondent no.5, the Divisional Forest Officer-cum-Authorized Officer, Forest Division, Gaya, whereby, the tractor of the petitioner bearing Registration No. BR02AA/2872, Engine No.5324 D 98049 35 HP alongwith 50 cft. loaded stone chips has been confiscated under the provision of Section 52(3) of the Indian Forest (Bihar Amendment) Act, 1989, Bihar Act 9 of 1990 (hereinafter referred to as 'the Act'). An alternative prayer has been made by the petitioner that the respondent no.4, the District



Magistrate, Gaya be directed to dispose of the Confiscation Appeal No.01/2016, filed against the order dated 14.12.2015, passed by the respondent no.5, the Divisional Forest Officer-cum-Authorized Officer, Forest Division, Gaya in Confiscation Case No. 76 of 2015, as contained in Annexure-2 and in the meantime, the vehicle of the petitioner be provisionally released during the pendency of the appeal.

Learned Counsel for the petitioner, in course of argument, confines his prayer only to the extent for a direction to respondent no.4, the District Magistrate, Gaya, to dispose of the Confiscation Appeal No.1 of 2016 or to consider to release the vehicle in question during pendency of the appeal.

The factual matrix of the case is that the tractor of the petitioner was seized in connection with Forest Case No. 62 of 2015 registered under Section 33 1 (b) of the Act, whereby the tractor of the petitioner, loaded with 50 cft. stone chips was seized.

It is submitted by learned counsel for the petitioner that though the petitioner has challenged the order dated 14.12.2015 passed in Forest Confiscation Case No. 76 of 2015, by the respondent no.5, the Divisional Forest Officer-



cum-Authorized Officer, Forest Division, Gaya in Confiscation Appeal No.1 of 2016 before respondent no.4, the District Magistrate, Gaya but the same has not been disposed of as yet. It is further submitted that petitioner is the owner of the vehicle in question which is rotting in the open air and the petitioner is ready to furnish adequate surety at the time of release of the same.

Though a counter affidavit has been filed on behalf of respondent nos. 1,2,3,5 and 6 but the same does not stipulate as to whether the confiscation appeal has been disposed of or not.

Considering the rival submissions of the parties and in view of the confined prayer on behalf of the petitioner, it is expected from respondent no.4, the District Magistrate, Gaya to dispose of Confiscation Appeal No. 1 of 2016 within a period of two months from the date of receipt/production of a copy of this order and if for any reason there is no likelihood of the appeal being disposed of within the aforesaid period, the respondent no. 4, the District Magistrate, Gaya will consider the prayer of the petitioner for provisional release of the vehicle in question in accordance with law.

The Writ application is, accordingly, disposed of with the



aforementioned observation and direction.

(Dinesh Kumar Singh, J)

Ashwini/Anil/

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