

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11945 of 2015

Along with
Interlocutory Application No. 85 of 2018

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1. K. G. N. Stone Udyog through its Proprietor Md. Laique A,am, S/o Md. Sallauddin, Resident of Mohalla - Karansarai, P.S. - Sasaram, District - Rohtas.
 2. M/S Jai Bhawani Stone Chips, through its Proprietor, Sumant Kumar Singh, S/o Shri Mohan Lal Singh, Resident of Mohalla - Mehta Colony, P.S. - Sasaram, District - Rohtas.
 3. Dheeraj Stone Works, through its Proprietor, Lalan Singh, S/o Late Ram Naresh Singh, Resident of Mohalla - Fazalganj, P.S. - Model, P.S. - Sasaram, District - Rohtas.
 4. Badal Stone works through its Proprietor Ram Pravesh Singh, S/o Late Ram Singh, Resident of Village - Dhuan, P.S. - Sasaram, District - Rotas.
 5. Maa Tara Chandi Stone Industries, through its Proprietor, Surendra Singh, S/o Late Moti Singh, Resident of Village - Makraina, P.S. - Dehri, District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines & Geology, Bihar, Patna.
3. The Principal Secretary, Forest Department, Bihar, Patna.
4. The District Magistrate, Rohtas. null null
5. The Divisional Forest Officer, Rohtas.
6. The Assistant Director, Mines & Geology, Rohtas.
7. The Forest Ranger, Darigaon, Rohtas.
8. The Superintendent of Police, Rohtas.
9. The Deputy Superintendent of Police, Sasaram, Rohtas.

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 12346 of 2015
Along with
Interlocutory Application No. 86 of 2018

1. Puja Stone Works through its Proprietor Mithilesh Kumar Singh, Son of Shri Harihar Prasad Singh, Resident of village- Barhari, P.S.- Kargahar, District- Rohtas
2. Sunil Stone Works, through its Proprietor, Mahendra Singh, Son of Late Ram Naresh Singh, Resident of Moh- Fazalganj, P.S.- Model District- Rohtas
3. Babu Stone Udyog, through its Proprietor, Kamlakar Kumar Singh, Son of Deo Pujan Singh, Resident of village- Nanadih, P.S.- Nokha, District- Rohtas
4. Badal Stone Industries, through its Proprietor Shashi Kumar, Son of Jagdish Singh, Resident of Village- Mohadiganj, P.S.- Sasaram, District- Rohtas



5. Laxmi Stone Works through its Proprietor Sujeet Kumar, Son of Ram Ekbal Singh, Resident of Moh- Mehta Colony, P.S.- Sasaram, District- Rohtas
6. R.P. Stone Works through its Proprietor, Manoj Singh, Son of Ram Pravesh Singh, Near MICO, P.S.- Sasaram, District- Rohtas
7. Vivek Stone Works through its Proprietor, Vijay Singh, Son of Kedar Singh, Resident of village- Chandi, P.S.- Akorhi Gola, District- Rohtas
8. Raju Stone Works through its Proprietor Raju Singh, Son of Ramdeo Singh, Resident of Nooranganj, P.S.- Sasaram, District- Rohtas
9. Chaudhary Crusher Udyog through its Proprietor Ashok Kumar Patel, Son of Sulendra Singh, Resident of Moh- Choudhary Market, G.T. Road, P.S.- Sasaram, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Mines & Geology, Bihar, Patna
3. The Principal Secretary, Forest Department, Bihar, Patna
4. The District Magistrate, Rohtas
5. The Divisional Forest Officer, Rohtas
6. The Assistant Director, Mines & Geology, Rohtas
7. The Forest Ranger, Darigaon, Rohtas
8. The Superintendent of Police, Rohtas
9. The Deputy Superintendent of Police, Sasaram, Rohtas

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11945 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Dep. Of Mines : Mr. Naresh Dikshit and
Mr. Brij Bihari Tiwari, Advocates

For the Respondent/s : Mr. Rajeev Kumar Singh, AC to PAAG-2

(In Civil Writ Jurisdiction Case No. 12346 of 2015)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Respondent/s : Mr. Rajeev Kumar Singh, AC to PAAG-2

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-11-2018

Heard learned counsel for the petitioners and the State.

Re.: Interlocutory Applications No. 85 and 86 of 2015



2. The petitioners have moved the Court against the order dated 29.05.2015 passed in Forest Appeals No. 58 and 59 of 2014, by which the Collector, Rohtas has disposed off the appeal by remanding it to the Divisional Forest Officer, Rohtas instead of setting aside the same on merits himself.

3. During the pendency of the writ petition, it appears that pursuant to the remand, the Divisional Forest Officer, Rohtas has also passed order rejecting the plea of the petitioners by order dated 25.11.2015. The same has been sought to be challenged by the petitioners by way of Interlocutory Application No. 85 of 2018 in C.W.J.C. No. 11945 of 2015 and Interlocutory Application No. 86 of 2018 in C.W.J.C. No. 12346 of 2015.

4. In view of the nature of the issue involved and the order which the Court purposes to pass, the Interlocutory Applications stand allowed. The order passed by the Divisional Forest Officer, Rohtas dated 25.11.2015 in Confiscation Case No. 38 of 2013 shall form part of the relief sought for in the main writ application.

5. The Interlocutory Applications stand disposed off.

Re.: Civil Writ Jurisdiction Cases No. 11945 of 2015 and 12346 of 2015



6. Coming to the merits of the matter, the Court finds that there is no error in the order passed by the appellate authority i.e., the Collector, Rohtas in remanding the matter, as disposal of the appeal includes an order of remand to the lower authority and the Court cannot direct which mode the appellate authority would adopt while passing final orders on the appeal. Thus, to that extent, the Court does not find any reason to interfere in the orders impugned. Coming to the subsequent order passed of the Divisional Forest Officer, Rohtas dated 25.11.2015, the Court finds that at least at one point, the petitioners are required to be given full opportunity of hearing and detailed and reasoned order is required to be passed, based on the materials brought by the petitioners before the authorities and submissions made in support thereof. The same not having been done, the Court has no hesitation to set aside the order dated 25.11.2015 passed in Confiscation Case No. 38 of 2013 by the Divisional Forest Officer, Rohtas. The matter stands remanded to him for fresh consideration, in accordance with law and for passing a detailed and reasoned order taking note of all the contentions raised by the petitioners before him. As the matter has been pending for quite some time, the Divisional Forest Officer, Rohtas



shall conclude the hearing and pass final orders expeditiously and latest within a period of four months from the petitioners appear before him. For the sake of convenience, the learned counsel for the petitioners submitted that they shall appear before the Divisional Forest Officer, Rohtas on 17th December, 2018. On that day, specific date shall be fixed for hearing and thereafter the matter shall be taken to its logical conclusion within four months and final reasoned order shall also be passed, subject to co-operation from the petitioners.

7. The writ petitions stand disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

P. Kumar

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