

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.315 of 2018

In
Civil Writ Jurisdiction Case No. 6497 of 2017

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Sanjay Kumar, son of Late Jagarnath Sah, Resident of Village- Banra, P.S. -
Sasaram (M), District - Rohtas.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-03-2018 Heard Mr. Surendra Kumar Mishra, learned counsel

appearing for the petitioner. There is no representation on behalf of

the State.

This application has been filed seeking modification in the
judgment and order of this Court passed in CWJC No.2863 of 2017
and analogous cases which included the writ petition filed by the
petitioner arising from CWJC No.6497 of 2017, whereby a direction
was issued to the Authorised Officer –cum- Divisional Forest Officer,
Rohtas to dispose of the confiscation case and in case the same is not
disposed of within a period of 3 months of receipt/production of a
copy of the order for reason not attributable to the petitioner(s) then
to consider the claim for provisional release of the vehicle.

Counsel for the petitioner informs that although the writ
petition of the petitioner was heard analogous and although a similar



relief for disposal of the appeal was made by the petitioner arising from Confiscation Appeal No.42 of 2015 pending before the District Magistrate, Rohtas but in the order disposing of the batch of writ petitions similar appropriate directions have not been issued to the Appellate Authority and hence this modification.

Having heard learned counsel for the parties and considering the prayer made by the petitioner in the writ petition, I deem it proper to direct the District Magistrate, Rohtas to consider the appeal of the petitioner arising from Confiscation Appeal No.42 of 2015 and dispose of the same in accordance with law after opportunity of hearing to the appellant and in case the appeal is not disposed of within a maximum period of 3 months of receipt/production of a copy of the order then the Appellate Authority should consider and dispose of the prayer of the appellant for provisional release of the vehicle, to be passed within 4 weeks of the expiry of 3 months period.

The judgment and order passed in CWJC No.2863 of 2017 and analogous cases in so far as CWJC No.6497 of 2017 is concerned, stands modified to the aforementioned extent.

The modification application is allowed.

(Jyoti Saran, J)

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