

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16354 of 2016

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Manish Singh son of Late Lalan Singh resident of Village- Bhindus, P.S.-
Manpur, District- Gaya at present resident of Village- Amari, P.O.-
Sohaipur, P.S.- Moffasil, District- Gaya.

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Forest and
Environment Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Divisional Forest Officer-cum-Authorized Officer, Forest Division,
Gaya.
4. The Forest Conservator, Gaya Anchal, Gaya.
5. The Forest, Forest Area, Wazirganj, Gaya.
6. The Range Officer, Forest Area, Gurpa, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Shailesh Kumar
For the Respondents : Mr. Awanish Nandan Sinha- GP-21

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 15-02-2018 Heard Mr. Shailesh Kumar learned counsel for the
petitioner.

This writ application has been filed for quashing the
order dated 07-05-2016 passed by the Divisional Forest Officer-
cum-Authorized Officer, Forest Division, Gaya in Forest
Confiscation Case No. 10 of 2016, whereby the vehicle of the
petitioner bearing Registration No. BR-25/4052 has been
confiscated by the State.

The factual matrix of the case is that on 18-01-2016 at
8.20 P.M., the police officer of authorized department intercepted



the truck of the petitioner, loaded with Muram. Consequently, the case bearing Forest Case No. 14 of 2016 was registered under Sections-33, 41 & 42 of Indian Forest (Bihar Amendment, 1990) Act, 1927 and Confiscation Proceeding was initiated under Sections-33, 41 & 42 of Indian Forest (Bihar Amendment, 1990) Act, 1927 leading to passing of the impugned order, whereby truck of the petitioner has been confiscated.

Counsel for the petitioner submits that his counsel, authorized to appear before the Divisional Forest Officer, Gaya chose not to appear in spite of substituted service of notice, published in daily newspaper. Due to laches of his counsel, the petitioner could not be acknowledged about the outcome of the proceeding, as a result of which, an ex-parte order was passed. It has further been submitted that the petitioner is having a valid challan for transportation of muram loaded on the truck.

Since there is a provision for appeal u/S 52-A of the Indian Forest (Bihar Amendment, 1990) Act, 1927, the petitioner is permitted to file an appeal alongwith a limitation petition and a petition for release of the vehicle within a period of three weeks. The appellate authority will consider the question of condonation of delay in filing appeal and the release of the vehicle within a period of eight weeks from the date of filing of such appeal.



However, this court has not expressed any opinion on the merit of the case, since the same has to be considered by the appellate authority.

With the liberty given above, this writ application is disposed of.

(Dinesh Kumar Singh, J)

A.K.V./-

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