

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2540 of 2017

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Md. Akbar Shekh, Son of Abdul Shakur, resident of Village- Kachhawan,
P.S.- Kachhawan, 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, Sasaram, District- Rohtas.
4. The Forest Range Officer, Tilauthu cum Darigaon Forest Region, Sasaram, District- Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Chitranjan Sinha (Paag-2)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4. 16-02-2018

This writ application has been filed by directly invoking under Article 226 of the Constitution of India for quashing the order dated 22.07.2017 passed by learned Authorized Officer cum Divisional Forest Officer, Rohtas Forest Division, Sasaram, District – Rohtas in Confiscation Case No. 197/2016(A) arising out of Forest Case No. 97/2016.

At the outset, learned counsel representing the State submits that the writ application is not fit to be entertained in view of alternative statutory remedy available to the petitioner by way of an appeal under the Indian Forest Act. The objection taken on behalf of the



State seems to be correct. The petitioner has a statutory remedy of appeal against the impugned order.

In that view of the matter, this Court is not inclined to entertain the writ application. The vehicle in question has already been provisionally released vide order dated 05.01.2018 which will be subject to the finality of the confiscation order, if the petitioner seeks his remedy in accordance with law, otherwise the District Magistrate, Rohtas may give effect to the order of confiscation.

This Writ Application is disposed off.

(Rajeev Ranjan Prasad, J.)

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