

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10799 of 2016

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Ram Prasad Yadav Son of late Pradip Yadav Resident of Village- Numar
Khadigram POP.S. Barhat, District Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Environment and Forest, Govt. of Bihar, Patna.
2. The Principle Secretary, Department of Environment and Forest Govt. of Bihar, Patna.
3. The Appellate Authority- cum- District Magistrate, Jamui.
4. The Forest Range Officer of Forest, Mallehpur, District Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra
For the Respondent/s : Mr.Smt. Binita Singh- Gp31

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 19-04-2019

Heard the learned counsel for the petitioner and the State.

The instant writ petition has been filed for quashing the order dated 11.12.2015 (Annexure-5) passed by the Principal Secretary, Department of Forest and Environment, Bihar, Patna in Forest Revision Case No. 19 of 2014, by which interim order dated 05.08.2014 passed by the Appellate Authority-cum-District Magistrate, Jamui in Appeal Case No. 02 of 2013 has been set aside.

Learned counsel for the petitioner has submitted that as per instruction, appeal is still pending before the appellate



authority. The order of the appellate authority is enclosed as Annexure-4, whereby the appellate authority has ordered to release the tractor bearing Registration No. BR 53 2591 and Trailer bearing Registration No. BR 53 2592 of the petitioner after proper verification of the documents. The appellate authority has stayed the further proceeding till disposal of the case pending in the court of Chief Judicial Magistrate, Jamui.

Learned counsel for the State has submitted that there is no instruction whether appeal has been disposed off.

Learned counsel for the petitioner has submitted that revisional authority has wrongly set aside the order passed by the appellate authority to release the vehicle during pendency of the appeal.

In such circumstances, the order dated 11.12.2015 as contained in Annexure-5 passed by the revisional authority refusing to release the vehicle of the petitioner is not proper and the same is hereby set aside.

Accordingly, the order of the revisional authority dated 11.12.2015 (Annexure-5) is hereby set aside.

The respondent no. 4 is directed to release the vehicle of petitioner in compliance of the order of appellate authority dated



05.08.2014 after proper verification of the relevant documents with regard to aforesaid vehicle.

This Court further finds from the order of appellate authority that the appeal has been kept pending till disposal of the case pending before the Chief Judicial Magistrate, Jamui.

This Court direct the appellate authority to finally dispose off the appeal within a period of two months from the date of receipt/production of copy of this order without awaiting for final disposal of the case pending before the learned Chief Judicial Magistrate, Jamui

This writ petition is accordingly allowed with direction as made above.

(Sanjay Priya, J)

rakhi/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	24.04.2019
Transmission Date	

