

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22886 of 2018

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Anil Kumar Sah S/o Manik Chand Sah R/o Village- Baijala, Police Station-
SasaramM, District- Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar through the principal Secretary Forest Department,
Govt. of Bihar Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest Offic-cum- Authorized Officer, Rohtas Forest
Division, Sasaram, District- Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajani Kant Singh
For the Respondent/s	:	Mr.Raghwanand- GA11

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 27-08-2019

Heard learned counsel for the petitioner and the State.

This writ application has been filed for issuance of an appropriate writ in the nature of mandamus or any other writ/writs, order/orders, command/commands, directing the respondent no.3 to provisionally release the truck of the petitioner bearing Registration no. BR 02GA/9934, Chassis no. MAT 448202F5L72815 in connection with confiscation case no. 46 of 2018 arising out of Forest case No. 26 of 20018 under sections 33,41 and 42 of the Forest Act and in the seizure list registration number of the truck of the petitioner has been wrongly mentioned as NL08D/4770 instead of BR-02GA/9934.

Learned counsel for petitioner has submitted that vehicle of the petitioner was seized by the respondent under Sections 33,41 and 42 of the Forest Act. Learned counsel further submits that thereafter confiscation proceeding was initiated vide Confiscation case no. 46 of 2018 under the provisions of Section 52 of the Act.



Learned counsel for petitioner further submits that he has appeared and filed show cause in the aforesaid confiscation proceeding but the same is still pending before respondent no.3.

In such circumstances, this writ application is disposed of with direction to respondent no. 3, (The Divisional Forest office-cum Authorized officer, Rohtas Forest Division, Sasaram, District-Rohtas) to pass final order in the confiscation case no 46 of 2018 within a period of two months from the date of receipt of copy of this order after affording proper opportunity of hearing to the petitioner and looking into all the relevant papers filed by the petitioner. .

It is made clear that in the event respondent no.3 does not pass final order within the aforesaid period, he will release the vehicle in favour of petitioner on furnishing all relevant papers with regard to ownership of vehicle by petitioner and filing affidavit that he shall produce the vehicle as and when required by the Court.

The writ application is accordingly disposed off.

(Sanjay Priya, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	3.9.2019
Transmission Date	

