

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8385 of 2016

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Ram Pravesh Sharma son of Late Kali Charan Sharma, resident of village-
Belharia More, Tekari, P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar, through its Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
2. The Conservator of Forest, Gaya Circle, Gaya
3. The Divisional Forest Officer, Gaya Forest Division, Gaya
4. The Forester, Manapur-cum-Tekari Range, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vinay Mistry
For the Respondent/s	:	Mr. Mithilesh Pd. Singh
		Ms. Apurva Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 17-04-2019

Heard the learned counsel for the petitioner and the respondents.

The instant writ petition has been filed for quashing the seizure list dated 04.05.2014 (Annexure-2) prepared by the Forester, Manpur-cum-Tekari Range, Gaya, whereby six pieces of Siris wood and one piece of Peepal wood of the petitioner were seized in violation of Sections 41 and 42 of the Indian Forest (Bihar Amendment) Act, 1989 and also for quashing the order dated 02.04.2016 bearing Memo No. 2511 dated 06.04.2016 (Annexure-4) passed by the Divisional Forest Officer, Gaya, Forest Division, Gaya in Confiscation Case No. 25 of 2014,



whereby the Tractor bearing no. BR 2B 2920 and Trailer bearing no. BR 2B 2921 along with six pieces of Siris wood and one piece of Peepal wood of the petitioner were confiscated in terms of Section 52(3) of the Indian Forest (Bihar Amendment) Act, 1989.

Learned counsel for the petitioner has submitted that petitioner was holding valid permit for aforesaid articles loaded on the tractor but without considering the submission of the petitioner his tractor was seized.

It has been submitted that petitioner was not given opportunity of hearing before the Confiscating Officer.

Learned counsel for the petitioner has submitted that Forester has no power to seize the vehicle. Seizure-list was prepared on 04.05.2014, which is not in accordance with law.

Learned counsel for the petitioner has further submitted that vehicle was earlier released by this Court vide order dated 29.05.2014 passed in C.W.J.C. No. 9184/2014.

Learned counsel for the State has submitted that there is statutory remedy of appeal available to the petitioner under Section 52(A) of the Indian Forest Act.

In such circumstances, this writ petition is disposed off with direction to the petitioner to file appeal before the competent



authority in terms of Section 52(A) of the Indian Forest Act, within a period of one month from the date of passing of this order.

The appellate authority will pass final order on the aforesaid appeal filed by petitioner, after giving proper opportunity of hearing to the petitioner and looking into all the documents filed by the petitioner, within two months from the date of filing of such appeal by the petitioner.

The appellate authority will condone the delay in filing the appeal since the petitioner was seeking remedy before this Court.

(Sanjay Priya, J)

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

