

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7461 of 2019

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Suresh Raut Son of Late Murli Raut, Resident of Mohalla- Vijaynagar, Police Station- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Banka.
2. The District Magistrate, Banka.
3. The District Forest, Officer, Banka.
4. The Forest Area Officer, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Mukherjee
For the Respondent/s	:	Mr.Dhurjati Kr. Prasad (Gp14)

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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 direction to release the Vehicle pick-up van bearing Registration no. BR51-9586 in favour of the petitioner in case no. C-3-29/2017 registered under sections 33,41, and 42 of the Indian forest (Bihar Amendment) Act, subject to result of criminal case and/or the confiscation case.

Learned counsel for petitioner submits that vehicle of the petitioner was seized by the respondent under provision of Sections 33,41 and 42 of the Indian Forest (Bihar Amendment) Act. The vehicle of petitioner was found carrying Chiran wood.



Learned counsel for petitioner submits that he was having valid paper with regard to the aforesaid wood. The seized wood belongs to one Dharmendra Mandal who purchased the same for use in his house from Sharma Furniture work shop, Belhar Road Katoria which is evident from cash memo no. 3 dated 18.8.2018 which is also part of the seizure list. The respondents have initiated confiscation proceeding under section 52 of the Act with respect to the aforesaid seized vehicle vide Confiscation case no. 10 of 2017 and no final order has been passed in this case till date.

A counter affidavit has been filed on behalf of the respondent no. 3 wherein it is mentioned in para 9 that in the confiscation proceeding notices have been issued vide notice dated 14.11.2017, 28.12.2017 and 12.7.2018 but no show cause was filed.

In such circumstances, this writ application is disposed of with direction to respondent no. 3, (The District Forest officer Banka) to pass final order in the confiscation case no 10 of 2017 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. .



The writ application is accordingly disposed off.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	4/9/2019
Transmission Date	

