

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5898 of 2019

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Pawan Kumar Yadav, Son of Ram Jatan Yadav, Resident of Village- Aahopur
(Gangari) Gangapur, P.S.- Varanasi, District- Varanasi (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Forest and Environment Department, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Divisional Forest Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Advocate.
For the State	:	Mr. Chitranjan Sinha, PAAG-2
		Mr. Shailendra Kumar, A.C. to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 26-03-2019

1. The present application has been filed for issuance of direction to the Divisional Forest Officer, Gaya, to release the Truck bearing Registration No. UP65FT-5561 in favour of petitioner, purchased through hire purchase/Lease Agreement with the HDFC Bank Limited on loan as well as fund provided by the other family members, subject to payment of loss amount occurring to the Forest Department which has been ascertained to be Rs.23,80,400/- by order dated 19.2.2018 passed by the DFO in Forest Confiscation Case No. 34/2017 and issue a direction to the Secretary, Forest and Environment Department, Government of Bihar, Patna, to dispose off the Revision Case No. 26 of 2018 within the time frame by this Hon'ble Court.



2. Heard Mr. Vijay Anand, counsel for the petitioner and Mr. Chitranjan Sinha, PAAG-2 for the State.

3. Counsel for the petitioner submits that against order of confiscation dated 19.2.2018, the petitioner has preferred Forest Appeal being Appeal Case No. 04 of 2018 which was dismissed by the District Magistrate, Gaya. Thereafter, the petitioner has filed Revision Case under Section 52A of Indian Forest Act before the Secretary, Forest and Environment Department, Government of Bihar, Patna, which is pending since 11.9.2018. He further submits that in the Forest Case No. 62 of 2017 six trucks and two JCB machines were seized and the confiscation proceeding No. 34 of 2017 was initiated against all the vehicles in question and after hearing all the parties, the DFO Gaya by order dated 19.2.2018 held that the loss occurred to the Forest Department is Rs.23,80,400/-

4. Counsel for the petitioner submits that petitioner is ready to pay the share of loss amount occurred to Forest Department against the provisional release of the vehicle of the petitioner.

5. This Court is of the view that petitioner can take such a plea before the Secretary, Forest and Environment Department, Government of Bihar, Patna, in Revision Case No. 26 of 2018.



6. It is mentioned in paragraph 20 and 21 of the writ petition that aforesaid Forest Revision Case No. 26 of 2018 has been filed on 11.9.2018 and no final order has been passed in the aforesaid Revision application till date, although, six months time has already expired.

7. In such circumstances, this writ petition is disposed off with direction to the Revisional Authority (Respondent No. 1) to pass final order in Revision Case No. 26 of 2018 after giving proper opportunity of hearing to the petitioner and looking into relevant documents, within a period of three months from the date of receipt/production of a copy of this order.

8. The petitioner will be at liberty to file necessary petition before this Court in the event the Revisional Authority does not pass final order within a period of three months in compliance of the order passed by this Court. The petitioner will appear before the Revisional Authority and shall cooperate in early disposal of the Revision application in terms of the order passed by this Court.

S.Ali/-

(Sanjay Priya, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03/04/2019
Transmission Date	

