

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.237 of 2016

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Anand Raj, son of Rameshwar Prasad, resident of village - Mahuabagh, P.S.
Ekangar Sarai, District - Nalanda

... .. Petitioner/s

Versus

1. The Principal Secretary, Environment and Forest Department.
2. The Collector, Munger.
3. The Authorized Officer Cum Divisional Forest Officer, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date : 18-02-2019

Counsel for the petitioner submits that Truck of the petitioner has been confiscated by the Divisional Forest Officer, Munger, in terms of provision of Section 52 (3) of the Indian Forest Act, which is lying in open space amenable to damage. The appellate authority i.e. the Collector, Munger, has rejected the prayer made on behalf of the petitioner for release of the Truck. The revisional authority i.e. Principal Secretary, Environment & Forest, Department of Bihar, Patna, by order dated 18.09.2015 passed in Forest MU C-36 of 2015 has dismissed the revision as barred by limitation without entering into merits of the case.

2. This Court finds that serious points of law has been raised by the petitioner in the case that his vehicle has been



confiscated illegally as there was enquiry report of Mines Development Officer, Munger, in which, it has been mentioned that Silica Stones were loaded on the aforesaid Trucks by the owner of M/s Janta Transport, Safiabab, namely, Vijay Singh, which clearly show non-involvement of owners of aforesaid trucks and not within the knowledge of the petitioner.

3. Counsel for the petitioner further submits that the Court below has failed to consider the decision of the Hon'ble Apex Court reported in 1998(1) PLJR 21 (SC), which squarely covers the case of the petitioner. Counsel for the petitioner further submits that four Trucks have already been released by the appellate authority vide Annexure- 4.

4. Under such circumstances, this Court feels that reasoned order is required to be passed by the revisional authority after considering the case of the petitioner on merit and giving opportunity of hearing to the petitioner as well as looking into relevant documents filed on his behalf.

5. In view of such, the revisional order dated 18.09.2015 passed by the revisional authority i.e. Principal Secretary, Environment & Forest, Department of Bihar, Patna, in Forest MU C-36 of 2015 is hereby set aside.



6. The petitioner will file fresh revision before the revisional authority within a period of four weeks from the date of this order and the revisional authority will pass appropriate order in accordance with law within a period of two months from the date of filing of the revision after giving due opportunity of hearing to the petitioner and looking into relevant documents.

7. This writ application is, accordingly, allowed with direction as mentioned above.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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