

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1557 of 2018

In
Letters Patent Appeal No.385 of 2017

Santosh Kumar Son of Jagan Singh, Resident of Village-Shankarpur Beheria
Bigha, Police Station-Indrapuri, District-Rohtas.

... .. Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Forest Department,
Patna, Namely Mr. Tripurari Saran
2. The District Magistrate, Rohtas at Sasaram Namely Mr. Pankaj Dixit.
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest
Division, Sasaram, District – Rohtas Namely Mr. S. Kumar Sammy

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Tiwary Advocate for the petitioner.
For the State	:	Mr.Sarvesh Kumar Singh – AAG-13 AC to AAG-13

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA)

5 27-02-2019 Heard Mr. Sanjay Kumar Tiwary, learned
counsel appearing on behalf of the petitioner, Mr. Sarvesh
Kumar Singh, AAG-13 appearing on behalf of the District
Magistrate, Rohtas at Sasaram.

The petitioner has filed this petition for
initiation of contempt proceeding against the Collector for
deliberate disregard and non-compliance of the order
dated 06-03-2017 passed in LPA No. 385 of 2017 by



which, this court directed the Collector to release the vehicle bearing registration No. UP-65AR-6356 provisionally during pendency of the confiscation appeal, on fulfillment of the conditions enumerated therein.

It is submitted that the Collector has committed gross disregard of the order of this court and he is liable to be hold up. On the otherhand, Mr. Sarvesh Kumar Singh, AAG-13 appearing on behalf of the District Magistrate-cum-Collector, Rohtas at Sasaram submits that in fact, the petitioner earlier filed papers with regard to land as security and the same was sent to the Circle Officer for verification and report. The Circle Officer, at the first instance, submitted the report to this effect that the petitioner is out of possession of the lands on account of certain dispute although the said lands stands in the name of the sureties. The petitioner was directed to furnish another sureties. The report of the DTO, Varanasi was not received and on account of such, the vehicle could not be released during pendency of the confiscation appeal. The confiscation appeal itself has been disposed of on 05-06-2018 and the petitioner has filed a revision before the Principal Secretary, Department of Forest and



Environment, as provided under the Act. It is further submitted that although the District Magistrate has not committed any willful negligence in obeying the order but at the sametime, he begs unqualified apology for the inconvenience, if any, caused to this Hon'ble Court.

Having considered the facts and on perusal of the record, it appears that this Court by order dated 06-03-2017 passed in LPA No. 385 of 2017, directed the District Magistrate-cum-Collector, Rohtas at Sasaram to release the vehicle, in question, provisionally during pendency of the confiscation appeal on the conditions which are as follows:

(i) The appellant shall furnish all the necessary papers/documents of ownership and security bonds (which will not include Bank Guarantee) as may be deemed fit and proper by the Collector-cum-Appellate Authority, Rohtas at Sasaram.

(ii) The appellant shall undertake, in writing, that the vehicle, in question, shall neither be alienated nor be transferred in favour of any third party during the pendency of the appeal and that the vehicles, in question, shall be produced as and when called upon or required in



the confiscation proceeding or otherwise.

The petitioner in pursuance of the aforesaid order filed a petition on 15-03-2017 before the District Magistrate-cum-Appellate Authority, Rohtas at Sasaram and on the same day, the District Magistrate recalled the date fixed in the confiscation case and, ordered for furnishing securities and other papers for provisional release of the vehicle, in question. But on perusal of the order passed in the confiscation case, it transpires that firstly, when the petitioner filed securities of lands for release of the vehicle, the same was found to be in possession of others and, therefore, the petitioner was again directed to furnish another security, which was verified and found correct but till that date, the report of the DTO, Varanasi was not received and reminder was sent. Finally, the report of DTO, Varanasi was received on 29-05-2018 and the next date was fixed on 05-06-2018. It transpires from the order that on the request of the petitioner, the confiscation appeal itself was disposed of and against which, the petitioner filed a revision petition. After disposal of the appeal, the Collector became functus officio.



We find that the District Magistrate-cum-Appellate Authority, Rohtas at Sasaram did not commit any willful negligence or disregard the order of this court knowingly and intentionally and thus, we find that no case is made out to proceed against the District Magistrate-cum-Appellate Authority, Rohtas at Sasaram for willful negligence and disregard of the order.

Accordingly, this Contempt Petition is dismissed.

(Prabhat Kumar Jha, J)

(Sudhir Singh, J)

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