

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11634 of 2019

Manoj Kumar Pandey, S/o Sheo Parsan Pandey, resident of Village- Pipara Khurd, P.S.- Kargahar, Distt.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Govt. of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division, Sasaram, Distt.- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Respondent/s : Mr. Raghwanand, GA-11

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 19-06-2019

Heard.

Counsel for the petitioner submits that Tractor and Trailer of the petitioner bearing Registration No. BR 24 F 2232 and BR 24F 2233 have been illegally seized by the respondents. Prosecution has been initiated alleging that petitioner was indulged in violation of Forest Act.

Counsel for the petitioner submits that aforesaid Tractor and Trailer was found loaded with stone chips for which petitioner was having valid paper, which has been enclosed as Annexure-1, but still case under the Forest Act has been instituted and vehicles have been seized. Confiscation proceeding has been initiated, but no final order has been passed.



This Court on perusal of Annexure-1 finds that there was valid receipt with regard to stone chips loaded on Tractor and Trailer. It further appears that the respondents have initiated proceeding under the Forest Act, whereas, stone chips does not belong to forest item.

In view of such, respondent No.3 is directed to release the Tractor and Trailer bearing Registration No. BR 24 F 2232 and BR 24 F 2233 respectively in favour of the petitioner on proper verification of the paper(s) with regard to ownership within one week from the date of receipt/production of a copy of this order subject to the condition that petitioner will not transfer the vehicle to any third party or alienate the same during the pendency of the case and will produce the vehicle as and when required by the Court.

The petitioner will file necessary Affidavit also in this regard before the authority concerned that he will not transfer the ownership of the vehicle or alienate the same during pendency of the case and produce the same as and when required by the Court.

This writ application is, accordingly, allowed.

(Sanjay Priya, J)

J. Alam/-

AFR/NAFR	NAFR
CAV DATE	N/A
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