

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15544 of 2019

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Baldev Singh Son of Late Gyan Singh Resident of M/s Gyan Singh Saw Mill,
Kankarbagh, Patna, P.S. Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Environment and Forest Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Authorised Officer-cum-Divisional Forest Officer, Patna Forest Division, Patna.
4. The Forest Range Officer, Patna Forest Range, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Advocate
For the Respondent/s : Mr.Ashok Kumar Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 01-08-2019

Heard Mr. Vinay Mistry, learned counsel for petitioner
and Mr. Ashok Kr. Pathak learned counsel for the State.

The instant writ application has been filed for
issuance of a writ in the nature of Mandamus directing the
Collector-cum District Magistrate, Patna (respondent no.2) to
dispose of Forest Appeal Case no. 1 of 2015-16 filed against the
order vide memo no. 2424 dated 24.10.2011 (Annexure-4)
passed by the Authorized Officer-cum Divisional Forest Officer,
Patna in Confiscation case no. 1 of 2003 vide his memo no.
2424 dated 24.10.2011 by which the seized Truck bearing
registration no. BR 1G-5482 along with forest produce has been



confiscated.

Learned counsel for the petitioner has submitted that Forest Appeal no. 1 of 2015-16 filed against the order dated 24.10.2011 passed by the Authorized officer-cum Divisional Forest Officer, Patna in Confiscation case no. 1 of 2003 is pending before the Collector- cum - District Magistrate respondent no. 2. The Confiscating officer by order dated 24.10.2011 has seized the truck bearing Registration no. BR 1G-5482 along with forest produce.

Learned counsel for petitioner submits that earlier entire criminal proceedings has been quashed by this Hon'ble Court by order dated 3.8.2007 vide Cr. Misc. no. 20556 of 2007. The Confiscating Office was directed by this Court by order dated 11.12.2007 to dispose of the confiscation proceedings keeping in view the earlier order of this court quashing the seizure and the criminal case positively within a period of two months from the date of production of a copy of this order before him.

Learned counsel for petitioner submit that in spite of aforesaid order the Authorized officer- cum- Divisional Forest Officer passed the order dated 24.10.2011 whereby the truck of the petitioner along with forest produce has been confiscated.



In such circumstances, this writ petition is disposed off with direction to the Collector- cum-District Magistrate (appellate authority) (respondent no.2) to dispose of the appeal filed by the petitioner which is pending before him within a period of one months from the date of receipt of copy of this order. The Collector- cum -District Magistrate shall look into the order earlier passed by this Court dated 3.8.2007 in Cr. Misc no. 20556 of 2007 as contained in Annexure-2 while passing the final order in the appeal.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	7.8.2019
Transmission Date	

