

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13235 of 2019

=====

Sanjay Singh Son of Late Gaya Singh Resident of Village-Semaradeeh, P.S.
Akorhigola, District-Rohtas at Sasaram

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Respondent/s : Mr.Gajendra Pd. Yadav (Sc17)

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 27-08-2019

Heard learned counsel for the petitioner and the State.

This writ application has been filed for issuance of an appropriate writs, orders or directions to the respondents to release the vehicle (truck) in question bearing Registration no. BR 02Q/3010, in favour of petitioner, since the Forest Appeal dated 12.9.2018 has already been pending before the District Magistrate (respondent no.2) in respect of the said vehicle in Forest Confiscation case number 59/16(d) dated 29.2.2016, whereby the respondent no.2 refused to release the vehicle (truck) bearing Registration no. BR-02Q/3010 in favour of the petitioner (the father of the petitioner died on 18.6.2017 who



was owner of the vehicle) on wholly erroneous ground without looking into the facts and circumstances of the case and without considering the case of the petitioner.

Learned counsel for petitioner submits that appeal being Forest Appeal no. 5 of 2019 is pending before the respondent no. 3. The aforesaid appeal has been filed on 12.9.2018 and no final order has been passed by the appellate Authority.

The truck of the petitioner was seized from Pali Pul Dehri. It was found loaded with 600 Cft stones chips on 29.2.2016 and since then the same is lying in the open sky.

The seizure list was prepared and Forest case no. 26 of 2016 was registered under Sections 33, 41 and 42 of the Indian Forest Act.

Being aggrieved by the order dated 21.12.2016 passed by the Confiscating Authority, the petitioner has filed Forest Appeal vide Forest appeal no. 5 of 2019 which is still pending.

In such circumstances, this writ application is disposed of with direction to respondent no. 2, (The District Magistrate, Rohtas at Sasaram) to pass final order in the appeal being Forest Appeal no. 5 of 2019 within a period of two months from the date of receipt of copy of this order after affording proper opportunity of hearing to the petitioner and looking into



all the relevant papers filed by the petitioner.

It is made clear that in the event the appellate authority does not pass final order within the aforesaid period then he will release the vehicle of the petitioner in his favour on producing all relevant papers with regard to ownership of vehicle by petitioner and filing affidavit that he shall produce the vehicle as and when required by the Court.

The writ application is accordingly disposed off.

(Sanjay Priya, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	3.9.2019
Transmission Date	

