

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9321 of 2015

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Mahendra Prasad @ Mahendra Prasad Gond, son of Shri Bhandari Prasad @ Bhandari Prasad Gond, resident of House No. 64, Nandan Van Colony, Indore, Madhya Pradesh, at present residence of Ward No. 11, Bhabhua, P.S. Bhabhua, Distt. Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through D.M. Sasaram (Bihar)
2. The District Forest Officer, Rohtas, Forest Division, Sasaram.
3. The Officer Incharge, Shiv Sagar, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Singh, Advocate.
		Mr. Suresh Kumar, Advocate.
For the Respondent/s	:	Mr. Ravi Verma, A.C. to G.P.-4

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 03-01-2019

1. Heard Mr. Rakesh Kumar Singh, learned counsel for the petitioner and Mr. Ravi Verma, A.C. to G.P. 4.

2. This writ petition has been filed for issuance of writ in the nature of mandamus commanding respondent No. 2 to release the Truck of the petitioner bearing registration No. MP09KD-1995.

3. Counsel for the petitioner submits that allegation against petitioner regarding loading of stone chips from prohibited area is baseless and without any material. Counsel for the petitioner further submits that driver of the vehicle was holding valid challan. The instant case has been registered on the basis of statement of Forest Guard recorded on 6.6.2015 stating that information was received from respondent No. 3 of three trucks loaded with stone chips and the said chips were found to be similar to the stone chips available within the



range of Sasaram. The trucks were searched and no documents were found.

4. Counsel for the petitioner submits that truck was loaded with stone dust and the driver of the vehicle was having valid challan.

5. Counsel for the State has appeared and submitted that counter affidavit has been filed on behalf of the State. The State has referred to paragraph-28 of counter affidavit wherein it is mentioned that alternative remedy is available to the petitioner for redressal of his grievance.

6. In such circumstances, this application is disposed off with direction to the petitioner to approach the competent authority for release of the truck by filing necessary petition in accordance with law which shall be disposed off in accordance with law without being prejudiced by this order within a period of three months from the date of filing of such petition by the petitioner.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	07/01/2019
Transmission Date	01/2019

