

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16286 of 2019**

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Pintu Kumar Yadav S/o Kailash Yadav Vill.- Chordaha, P.s.- Chouparan,  
Distt.- Hazaribagh

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector Gaya
3. The Superintendent of Police Gaya
4. Forest Campus Officer Bhalua (Barachatti), Gaya

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Nivedita Nirvikar  
For the Respondent/s : Mr.Anant Pd. Singh (Sc15)

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL JUDGMENT**

**Date : 09-08-2019**

Heard the learned counsel for the petitioner and the State.

The instant writ petition has been filed for issuance of an appropriate writ in the nature of Mandamus or any other writ/writs, order/orders, commanding the respondents to release the Mahindra Tractor of petitioner bearing Chassis No. RFN105607, Registration No. JH 08E 4706, which has been seized in connection with Forest P.S. Case No. 34/2019 dated 02.04.2019 under Sections 33(1)(a), 33(I)(b), 33(I)(d) of the Indian Forest Act, 1989 and Sections 35, 48 and 30 of Wild Life Protection Act.

The brief fact of the case is that tractor of petitioner



having Registration No. JH 08E 4706 was seized by the authority/informant alleging that it was loading sand in Sabalpur. The informant apprehended the driver and confiscated the tractor. No proper document was found in the tractor. The driver was moving with tractors without number plates. Thereafter tractor loaded with 100 CF sand was seized and seizure list was prepared.

Learned counsel for petitioner has submitted that he has already paid the amount of fine. Petitioner had complied the order dated 30.04.2019 by which ADJ IIIrd had directed the petitioner to deposit the amount of fine to the concerned department. Copy of receipt of payment of aforesaid amount is annexed as Annexure-2 series.

Learned counsel for petitioner has submitted that petitioner is bonafide owner of the tractor. He has enclosed certificate of registration of the vehicle. Vehicle of petitioner is lying in open sky and is getting damaged. Confiscation proceeding is still pending.

Learned counsel for State has submitted that petitioner's tractor was found without registration number and without valid paper. Therefore, tractor of petitioner was seized.

This Court finds that petitioner was holding valid paper for ownership of tractor. Copy of certificate of registration of



vehicle is enclosed as Annexure-2. Petitioner had deposited the amount of fine as mentioned in para 9 of the writ petition. Vehicle of petitioner is getting damaged in open sky.

The confiscation proceeding is yet to be initiated.

In such circumstances, the Respondent no. 4 is directed to release the vehicle of petitioner within a period of one week from the date of receipt/production of copy of this order after proper verification of all the relevant documents produced by the petitioner with regard to ownership and registration of vehicle in favour of petitioner.

The petitioner will file affidavit before the authority that he will produce the vehicle as and when required in Forest P.S. Case No. 34/2019 and shall not dispose off the same during pendency of aforesaid criminal case.

This writ application is accordingly allowed with directions made above.

**(Sanjay Priya, J)**

rakhi/-

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