

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7812 of 2016

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Shatrudhan Kumar, Son of Late Girdhari Saw, Resident of Paharpur, P.O. and
P.S. Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Gaya.
3. The Divisional Forest Officer-cum-Authorized Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the State : Mr. Kumar Mangalam, A.C. to S.C.-24.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 16-04-2019

1. This writ application has been filed for quashing the impugned order dated 23.5.2015 passed by the Forest Divisional Officer, Gaya, in Forest Confiscation Case No. 56 of 2014 by which the vehicle of the petitioner bearing registration No. BR2Q-6114 has been confiscated which was seized by the Forest Officer, Gurpa Range in Forest Case No. 145 of 2014.

2. None appears on behalf of the petitioner.

3. Counsel for the State is present. He has filed counter affidavit stating therein that vehicle of the petitioner was confiscated in Confiscation Case No. 56 of 2014 because the same was involved in forest offence by carrying the forest wood namely Salai wood (Boswellia Serrata). The Pick-up van and the forest



wood were seized under the Indian Forest Act, 1927 (Bihar Amendment Act of 1989) and seizure list was prepared at the place of seizure (occurrence). The petitioner was arrested and Forest Case under Sections 33, 41 and 42 of the Forest Act was instituted.

4. Counsel for the State has appeared and submitted that order of confiscation was passed after proper hearing of the petitioner as contained in Annexure-1. Petitioner has statutory remedy of Appeal under Section 52(A) of the Indian Forest Act, 1927. The petitioner has moved this Hon'ble Court without availing alternative remedy.

5. In such circumstances, this writ application is disposed off with direction to the petitioner to file an Appeal before the Appellate Authority under Section 52(A) of the Indian Forest Act, 1927 within a period of one month from passing of this order. The Appellate Authority will pass appropriate order in accordance with law after giving opportunity of hearing to the petitioner and looking into the documents, filed by him, within a period of three months from the date of filing of such Appeal. The delay, in filing of Appeal, will be condoned since the petitioner was pursuing the remedy before this Court.

6. This writ petition is accordingly disposed off.



7. It is made clear that this Court has not expressed any opinion on merit of the order passed in Confiscation Case.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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