

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19154 of 2019

=====

Shiv Jee Singh @ Shiv Jee Mahato Son of Ram Talika Singh @ Talik Mahato
R/o Village-Pahadi, P.S. Kargahar, District-Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest and Environment Department, Patna
2. The Principal Secretary Forest and Environment Department, Government of India, Patna
3. The District Magistrate-cum-Collector Rohtas at Sasaram
4. The Officer-cum-Divisional Forest Officer Rohtas at Sasaram
5. The Forest Range Officer Darigaon, Sasaram

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Respondent/s : Mr.Sarvesh Kumar Singh (Aag13)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The present writ application has been filed for quashing the order dated 28.06.2017 passed by the Authorized Officer-cum-Divisional Forest Officer, Rohtas Forest Division, Sasaram in Confiscation Case No. 25/17(G) whereby the Authorized Authority-cum-Divisional Forest Officer, Rohtas at Sasaram has refused to release the vehicle of the petitioner and against which the petitioner has preferred an appeal being Forest Appeal No. 76 of 2017.

Learned counsel for the petitioner submits that the



vehicle in question is languishing since over past 2 ½ years and the Appellate Authority has failed to consider his appeal and the same has been pending since long resulting in, the vehicle suffering the wrath of nature and the petitioner's business is also at a stand still. Learned counsel for the petitioner further submits that under similar circumstances another vehicle was also seized in which the petitioner had come to this Court and vide order dated 16.07.2019 passed in C.W.J.C. No. 14217 of 2019, this Court while considering the entire facts and circumstances of the case had been pleased to release the vehicle in favour of the petitioner. In the said case also, the appeal had remained pending. He thus submits that the petitioner's vehicle may be released in the light of the ratio of the decision as contained in the aforementioned writ application.

Learned counsel for the State, however, has no objection to the same being decided in the light of the order referred to in Annexure-5 so long as the authorities find the same to be within the same parameters. She, thus, submits that appropriate direction be issued for release of the vehicle after consideration of the facts of the present case by the Appellate Authority itself.

Accordingly, this Court directs that the Appeal



bearing Forest Appeal No. 76 of 2017 be disposed of positively within a period of three weeks from the date of receipt / production of a copy of this order in the light of the decision as contained in Annexure-5.

It is made clear that any deviation from the aforementioned time-frame will be considered to be a willful and deliberate violation of the order passed by this Court as the matter has remained pending before the Appellate Authority for a considerable length of time causing serious prejudice to the petitioner.

The application stands disposed of.

(Anjana Mishra, J)

Saif/-

U			
---	--	--	--

