

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6922 of 2016

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Saryu Prasad Son of Sri Jawahir Mahto Resident of village - Ajnama, P.S.
Mohanpur, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Forest and Environment, Government of Bihar, Old Secretariat, Patna
2. The District Magistrate, Gaya
3. The Divisional Forest Officer, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Respondent/s : Mr.Sc29-R.R.K.Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date : 08-01-2019

Heard the learned counsel for the petitioner and the State.

This writ petition has been filed for quashing the order dated 16.07.2015 as contained in Annexure-4 passed by District Magistrate, Gaya in Forest Confiscation Appeal No. 04/2014, whereby the District Magistrate has been pleased to reject the appeal and affirmed the order dated 04.02.2014 passed by Divisional Forest Officer, Gaya in Confiscation Case No. 24/2013 by which vehicle of the petitioner loaded with wooden goods has been confiscated.

Learned counsel for the State has submitted that there is statutory provision of revision provided under Section 52(B) of the Indian Forest Act, 1927. It is further submitted that petitioner without availing the aforesaid remedy has filed the instant writ petition. This fact has also been mentioned in para 24 of the counter affidavit.



This Court after looking into provision of 52(B) of Indian Forest Act, 1927 finds that there is statutory provision of filing revision petition before the Secretary, Forest and Environment Department, Govt. of Bihar against the order of the Appellate Authority within 30 days.

Therefore, at this stage this Court is not inclined to go into merit of this case.

This writ petition is disposed off with direction to the petitioner to file revision under provision of Section 52(B) of the Act. The Revisional Authority will pass final order on such petition within a period of three months from the date of filing of such petition by the petitioner.

The Revisional Authority will condone the delay in filing the application since petitioner had filed writ petition before this Hon’ble Court.

(Sanjay Priya, J)

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AFR/NAFR	
CAV DATE	N.A.
Uploading Date	16.01.2019
Transmission Date	

